HIRAM G. HERRIN
Carthage, Ill.

HISTORY

OF THE

UNITED STATES OF AMERICA,

FROM THE DISCOVERY OF THE CONTINENT.

BY
GEORGE BANCROFT.

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THE

AMERICAN REVOLUTION

IN FIVE EPOCHS.

EPOCH FOURTH.

AMERICA IN ALLIANCE WITH FRANCE.

From 1776 to 1780.

AMERICA IN ALLIANCE WITH FRANCE.

CHAPTER I.

CAN THE THIRTEEN UNITED STATES MAINTAIN INDEPENDENCE?

JULY–AUGUST 1776.

THE American declaration of independence was the beginning of new ages. It disembarrassed the people of the United States from the legal fiction of allegiance to a king against whom they were in arms, and set before them a well-defined, single, and inspiring purpose. It changed the contest from a war for the redress of grievances to the creation of a self-governing commonwealth. Hope whispered the assurance of unheard-of success in the pursuit of public happiness through faith in the rights of man.

Before receiving the declaration, the convention of Maryland, on the sixth of July, yielded to "the dire necessity" of renouncing the king who had violated his compact, and "conjured every virtuous citizen to join cordially in maintaining the freedom of Maryland and her sister colonies."

Two days later, the committee of safety and that of inspection at Philadelphia marched in procession to the state-house, where the declaration was read to the battalions of volunteers and a concourse of the inhabitants of the city and county. The emblems of royalty were then burnt amid the acclamations of the crowd, and peals from the state-house bell proclaimed "liberty throughout the land."

With the certainty of immediate war the congress of New Jersey, in presence of the committee of safety, the militia un-

der arms, and a great assembly of the people at Trenton, published simultaneously the declaration of independence and their own new constitution.

On the morning of the ninth, the newly elected convention of New York, invested with full powers from the people, assembled at White Plains, chose as president Nathaniel Woodhull of Suffolk county, a man of courage and discriminating mind, and listened to the reading of the declaration of independence. In the afternoon they met again, thirty-eight in number, among whom were Woodhull, Jay, Van Cortlandt, Lewis Morris, Gouverneur Morris, Gansevoort, Sloss Hobart, the Presbyterian minister Keteltas, and other representatives of the Dutch, English, and Huguenot elements of the state. If resistance to the end should be chosen, Lewis Morris must abandon his large estate to the unsparing ravages of the enemy; Woodhull could not hope to save his constituents from immediate subjection; Jay must prepare to see his aged father and mother driven from their home at Rye, to pine away and die as wanderers; the men from the western part of the state knew that their vote would let loose the Indian with his scalping-knife along their border. But they trusted in the unconquerable spirit of those by whom they had been elected. The leading part fell to Jay. On his report, the convention with one voice, while they lamented the cruel necessity for "independence, approved it, and joined in supporting it at the risk of their lives and fortunes." They directed it to be published with the beat of drum at White Plains, and in every district of the state; empowered their delegates in congress to act for the happiness and the welfare of the United States of America; and named themselves the representatives of the people of the state of New York. By this decree the union of the thirteen colonies was consummated; New York, long with the cup of misery at her lips, ever remained true to her pledge.

In announcing independence, the commander-in-chief asserted for the colonists "the rights of humanity." The declaration was read on the ninth to every brigade in New York city, and received with the most hearty approbation. In the evening a mob, composed in part of soldiers, threw down the leaden equestrian statue of George III. which stood in the Bowi-

ing Green. The riot offended Washington and was rebuked in general orders.

On the eleventh the ill-provided fleet of Lord Dunmore was driven by well-placed batteries from its safe moorage near Gwynn's Island, to ride at anchor near the mouth of the Potomac. Here a gale sprung up which wrecked several of the small craft and drove a sloop on shore, where it fell into the hands of "the rebels." To disencumber himself of everything but the transports, the governor sent the refugees under his protection to Great Britain, the West Indies, or St. Augustine. Of the negroes whom he had enlisted, five hundred had died of ship-fever or small-pox; of the rest, great numbers were sent to the West Indies. His appeal to the slaves brought death or wretchedness on all who rose at his bidding, and incensed the southern colonies without benefit to the crown.

Dunmore roved about for some weeks longer in the waters of the Chesapeake, vainly awaiting help; but no hostile foot rested on the soil of Virginia, when, on the twenty-fifth, the declaration of independence was read in Williamsburg at the capitol, the court-house, and the palace; and when it was proclaimed by the sheriff of each county at the door of his court-house on the first ensuing court-day. In Rhode Island it was announced successively at Newport, East Greenwich, and Providence, where it called forth loud huzzas for "free trade with all the world, American manufactures, and the diffusion of liberty o'er and o'er the globe." The thriving city of Baltimore was illuminated for joy. At Ticonderoga the soldiers under Saint-Clair shouted with rapture: "Now we are a free people, and have a name among the states of the world." In Massachusetts the great state paper was published from the pulpit on a Lord's Day by each minister to his congregation, and was entered at length on the records of the towns. The assembly of South Carolina, while they deplored "the unavoidable necessity" of independence, accepted its declaration "with unspeakable pleasure."

Independence had sprung from the instructions of the people; it was now accepted and confirmed as their work in cities and villages, in town-meetings and legislatures, in the camp and the training-field. The report went out among all

nations; it involved the reform of the British parliament, the emancipation of Ireland, the overthrow of feudalism in France. Even Hungary bent forward to hear the glad sound; and Italians and Germans recalled their days of unity.

The arrow had sped when Lord Howe entered upon the scene with his commission for restoring peace. As a naval officer, he added experience and skill to phlegmatic courage. Naturally taciturn, his manner of expressing himself was confused. His profile resembled that of his grandfather, George I.; his complexion was very dark; his grim features had no stamp of superiority; but his face wore an expression of serene and passive fortitude. As unsuspicious as he was brave, he sincerely designed to act as a mediator; and indulged in visions of riding about the country, conversing with its principal inhabitants, and restoring the king's authority by methods of moderation and concession. At Halifax he told Admiral Arbuthnot "that peace would be made within ten days after his arrival." With a simplicity which speaks for his sincerity, he had not discovered how completely his powers were circumscribed. He could pardon individuals on their return to the king's protection, and could grant an amnesty to insurgent communities which should lay down their arms and dissolve their governments. The only further privilege which his long altercation wrung from the ministry was a vague permission to converse with private men on their alleged grievances and to report their opinions; but he could not promise that their complaints would be heeded; and he was strictly forbidden to treat with the continental congress, or any provincial congress, or any civil or military officer holding their commission.

In the evening of the twelfth Lord Howe reached Staten Island. His brother, who had impatiently expected him, was of the opinion "that a numerous body of the inhabitants of New York, the Jerseys, and Connecticut only waited for opportunities to prove their loyalty; but that peace could not be restored until the rebel army should be defeated." Lord Howe, while at sea, had signed a declaration which had been sketched by Wedderburn in England, and which did but announce his authority separately, not less than jointly with his brother, to grant free and general pardons, and promise "due

consideration to all persons who should aid in restoring tranquillity."

On the second day after his arrival he sent a white flag up the harbor with a copy of his declaration, enclosed in a letter addressed to Washington as a private man. Reed and Webb, who went to meet the messenger, following their instructions, declined to receive the communication. Lord Howe was grieved at the rebuff; in the judgment of congress, Washington "acted with a dignity becoming his station."

On the same day Lord Howe sent a flag across the Kill to Amboy, with copies of his declaration in circular letters to all the old royal governors south of New York. The papers fell into the hands of Mercer, and through Washington were transmitted to congress.

Lord Howe tried to advance his purpose by forwarding conciliatory letters written in England to persons in America. Those which he had concerted with De Berdt, son of the old agent of Massachusetts, to Kinsey of New Jersey and to Reed of Pennsylvania, were public in their nature, though private in their form, and were promptly referred by their recipients to congress. In them he suffered it to be said that he had for two months delayed sailing from England, in order to obtain an enlargement of his instructions; that he was disposed to treat; that he had power to compromise and adjust, and desired a parley with Americans on the footing of friends. Reed thought "the overture ought not to be rejected;" and through Robert Morris he offered most cheerfully to take such a part "on the occasion as his situation and abilities would admit."

The gloom that hung over the country was deepening its shades; one British corps after another was arriving; the fleet commanded the waters of New York, and two ships-of-war had, on the twelfth, passed the American batteries with very little injury, ascending the Hudson river for the encouragement of the disaffected, and totally cutting off all intercourse by water between Washington's camp and Albany. Greene, on the fourteenth, while facing the whole danger without dismay, wrote to John Adams: "I still think you are playing a desperate game." But congress showed no wavering. "Lord Howe," reasoned Samuel Adams, "comes with terms disgrace-

ful to human nature. He has always voted, as I am told, in favor of the king's measures in parliament, and at the same time professed himself a friend to the liberties of America. He seems to me either never to have had any good principles at all, or not to have presence of mind openly and uniformly to avow them." Robert Morris resolved as a good citizen to follow if he could not lead, and thenceforward supported independence. As the only answer to Lord Howe, congress, on the nineteenth, resolved that its own state paper of the fourth of July should be engrossed on parchment as "the unanimous declaration of the thirteen UNITED STATES OF AMERICA," and signed by every one of its members. It further directed Lord Howe's circular letter and declaration to be published, "that the good people of these United States may be informed of what nature are the commissioners, and what the terms with which the insidious court of Britain has endeavored to amuse and disarm them; and that the few who still remain suspended by a hope, founded either in the justice or moderation of their late king, may at length be convinced that the valor alone of their country is to save its liberties."

Before this decision could reach Washington he had made his own opinions known. In reply to a resolution of congress on the massacre by Indians of some prisoners who had capitulated in Canada, General Howe had, on the sixteenth, sent him a note, of which the address had no recognition of his official station. The letter was for that reason not received; and on the twentieth a second letter was rejected, because its address was ambiguous; but, for the sake of coming to some agreement respecting prisoners, Paterson, its bearer, the British adjutant-general, was allowed to enter the American camp. After pledging the word of the British commander to grant to prisoners the rights of humanity and to punish the officers who had broken their parole, he asked to have his visit accepted as the first advance from the commissioners for restoring peace, and asserted that they had great powers. "From what appears," rejoined Washington, "they have power only to grant pardons; having committed no fault, we need no pardon; we are only defending what we deem to be our indisputable rights."

To Franklin, as to a worthy friend, Lord Howe had sent assurances that to promote lasting peace and union, and prevent American commerce from passing to foreign nations, formed "the great objects of his ambition." Franklin, after consulting congress, answered: "By a peace between Britain and America, as distinct states, your nation might recover the greatest part of our growing commerce, with that additional strength to be derived from a friendship with us; but her lust of dominion, and her thirst for a gainful monopoly, will join to hide her true interests from her eyes.

"The well-founded esteem and affection which I shall always have for your lordship makes it painful to me to see you engaged in conducting a war, the great ground of which, as expressed in your letter, is 'the necessity of preventing the American trade from passing into foreign channels.' Retaining a trade is not an object for which men may justly spill each other's blood; the true means of securing commerce is the goodness and cheapness of commodities; and the profit of no trade can ever be equal to the expense of compelling it by fleets and armies.

"Posterity will condemn to infamy those who advised this war; and even success will not save from some degree of dishonor those who voluntarily engage to conduct it. I believe that when you find conciliation impossible on any terms given you to propose, you will relinquish so odious a command."

When on the thirtieth Lord Howe received this reply, his countenance grew more sombre; tears glistened in his eyes; he looked within himself, and was conscious of aiming at a reconciliation on terms of honor and advantage to both parties. The truth began to dawn upon him that he had been deceived into accepting a commission which left him no power but to assist in the subjugation of America by arms.

The interview of the British adjutant-general with Washington led to one humane result. From the desire to release the British officers who had been taken by "the rebels," and still more from a consideration of the difficulties which might occur in the case of foreign troops serving in America, the British minister, in February 1776, instructed General Howe to effect the exchange of prisoners, but without using the king's name

in any negotiation for that purpose. The secretary's letter was followed by the proposal, in July 1776, to give up a citizen carried away from Boston for a British subject held in arrest. Congress, on the twenty-second, voted its approval, and gave power to exchange prisoners of war: officer for officer of equal rank, soldier for soldier, sailor for sailor, and citizen for citizen. In this arrangement Howe readily concurred. Interrupted by frequent altercations, it prevailed to the end of the war.

Union was the cry of America. "The plan of a confederation was drawn by Dickinson," * and was in the hands of the committee before the end of June.

The main hindrance to the establishment of a strong, overruling central force was an unwillingness of the separate states to give up power, and a jealousy of establishing it in other hands than their own. The Dutch and Swiss confederacies were the only models known to the people in detail, and they were studied and imitated. There was not at that time one civilian who fully comprehended the need of the country, or was fit to be the architect of a permanent national constitution; and zeal to guard against the predominance of the central power heightened the imperfections which had their deep root in the history of the states.

Every English administration had aimed at acquiring the disposal of the military resources and revenues of the colonies, while every American legislature had constantly resisted encroachments. This resistance, developed and confirmed by successive generations, had become the instinct and habit of the people.

In raising a revenue, the colonies had acknowledged in the king no function whatever except that of addressing to them severally requisitions which they, after deliberation and consent, were to collect by their own separate power. The confederacy now stood in the place of the crown as the central authority; and to that federal union the colonies, by general concurrence, proposed to confide only the same limited right of making requisitions.

The plan of Dickinson was less efficient than that proposed the year before by Franklin. Colonies often failed to be rep-

* Edward Rutledge to John Jay, 29 June 1776. MS.

resented; Franklin's plan constituted one half of the members of congress a quorum, and left the decision of every question to the majority of those who might be present; Dickinson knew only "the United States assembled;" counted every one of them which might chance to be unrepresented as a vote in the negative; required that not even a trivial matter should be determined except by the concurrence of seven colonies; and that measures of primary importance should await the assent of nine, that is, of at least two thirds of the whole. If eight states only were present, no question relating to defence, peace, war, finances, army, or navy, could be transacted even by a unanimous vote; nor could a matter of smaller moment be settled by a majority of six to two. Franklin accepted all amendments that should be approved by a majority of the states; Dickinson permitted no change but by the consent of every state.

Edward Rutledge of South Carolina, who served with industry on the committee with Dickinson, saw danger in an indissoluble league of friendship between the states for their general welfare, and in June, while the plan was still in the hands of the committee, wrote privately but deliberately: "If the plan now proposed should be adopted, nothing less than ruin to some colonies will be the consequence. The idea of destroying all provinciál distinctions, and making everything of the most minute kind bend to what they call the good of the whole, is in other terms to say that these colonies must be subject to the government of the eastern provinces. The force of their arms I hold exceeding cheap; but I dread their overruling influence in council. I am resolved to vest the congress with no more power than what is absolutely necessary, and to keep the staff in our own hands; for, if surrendered into the hands of others, a most pernicious use will be made of it." *

Eight days after the declaration of independence the committee appointed to prepare articles of confederation in the absence of Dickinson brought in his draft. After it had been printed, on the twenty-second of July 1776, it was taken into consideration by congress in committee of the whole. The discussion was renewed at every following session in July and for

* Rutledge to Jay, 29 June 1776. MS.

several days in August.* The powers conceded to the confederation, narrow as they were, aroused distrust and fear. The plan, assuming population to be the index of wealth, proposed to obtain supplies by requisitions upon each state in proportion to the number of its inhabitants, excepting none but Indians not paying taxes. Chase moved to count only the "white inhabitants;" for "negroes were property, and no more members of the state than cattle." "Call the laboring poor freemen or slaves," said John Adams, "they increase the wealth and exports of the state as much in the one case as in the other, and should therefore add equally to the quota of its tax." Harrison of Virginia proposed as a compromise that two slaves should be counted as one freeman. "To exempt slaves from taxation," said Wilson, "will be the greatest encouragement to slave-keeping and the importation of slaves, on which it is our duty to lay every discouragement. Slaves increase profits, which the southern states take to themselves; they increase the burden of defence, which must fall so much the more heavily on the northern. Slaves prevent freemen from cultivating a country. Dismiss your slaves, and freemen will take their places." "Freemen," said young Lynch of South Carolina, "have neither the ability nor the inclination to do the work that the negroes do. Our slaves are our property; if that is debated, there is an end of confederation. Being our property, why should they be taxed more than sheep?" "There is a difference," said Franklin; "sheep will never make insurrections." Witherspoon thought the value of lands and houses was the true barometer of the wealth of a people, and the criterion for taxation. Edward Rutledge objected to the rule of numbers because it included slaves, and because it exempted the wealth to be acquired by the eastern states as carriers for the southern. Hooper of North Carolina cited his own state as a striking exception to the rule that the riches of a country are in proportion to its numbers; and, commenting on the unprofitableness of slave labor, he expressed the wish to see slavery pass away. The amendment of Chase was rejected by a vote of all the states north of Mason and Dixon's line against all those

* Secret Journals of Congress, i., 290–315; John Adams's works, ii., 492–502; Jefferson's works, i., 26–35.

south of it, except that Georgia was divided. The confederation could not of itself levy taxes, and no rule for apportioning requisitions promised harmony.

A second article which divided the states related to the distribution of power in the general congress. Delaware, from the beginning, bound her delegates to insist that, "in declaring questions, each colony should have one vote;" and this was the rule adopted by Dickinson. Chase saw the extreme danger of a hopeless conflict, and proposed as a compromise that in votes relating to money the voice of each state should be proportioned to the number of its inhabitants. Franklin insisted that they should be so proportioned in all cases; that it was unreasonable to set out with an unequal representation; that a confederation on the iniquitous principle of allowing to the smaller states an equal vote without their bearing equal burdens could not last long. "All agree," replied Witherspoon, "that there must and shall be a confederation for this war; in the enlightened state of men's minds, I hope for a lasting one. Our greatest danger is of disunion among ourselves. Nothing will come before congress but what respects colonies and not individuals. Every colony is a distinct person; and, if an equal vote be refused, the smaller states will be vassals to the larger." "We must confederate," said Clark of New Jersey, "or apply for pardons." "We should settle some plan of representation," said Wilson. John Adams agreed with Franklin: "We represent the people; and in some states they are many, in others they are few; the vote should be proportioned to numbers. The confederacy is to form us, like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy; therefore all those reasons which prove the justice and expediency of a proportional representation in other assemblies hold good here. An equal vote will endanger the larger states, while they, from their difference of products, of interest, and of manners, can never combine for the oppression of the smaller." Rush spoke on the same side: "We are a nation; to vote by states will keep up colonial distinctions; and we shall be loath to admit new colonies into the

confederation. The voting by the number of free inhabitants will have the excellent effect of inducing the colonies to discourage slavery. The larger colonies are so providentially divided in situation as to render every fear of their combining visionary. The more a man aims at serving America, the more he serves his colony; I am not pleading the cause of Pennsylvania; I consider myself a citizen of America." Hopkins of Rhode Island pleaded for the smaller colonies: "The German body votes by states; so does the Helvetic; so does the Belgic. Virginia, Pennsylvania, Massachusetts, and Maryland contain more than half the people; it can not be expected that nine colonies will give way to four. The safety of the whole depends on the distinction of the colonies." "The vote," said Sherman of Connecticut, "should be taken two ways: call the colonies, and call the individuals, and have a majority of both." Jefferson enforced, as the means to save the union, that "any proposition might be negatived by the representatives of a majority of the people, or of a majority of the colonies." Here is the thought out of which the great compromise of our constitution was evolved.*

Aside from the permanent question of taxation and representation, what most stood in the way of an early act of union was the conflict of claims to the ungranted lands, which during the connection with Great Britain had belonged to the king. It was not questioned that each member of the confederacy had acquired the sole right to the public domain within its acknowledged limits; but on the second of August it was proposed to vindicate for the United States the great territory north-west of the Ohio by investing congress "with the exclusive power of limiting the bounds of those colonies which were said to extend to the South Sea, and ascertaining the bounds of any other that appeared to be indeterminate." Jefferson spoke against the proposed power as too great and vague, and protested against the competency of congress to decide upon the right of Virginia; but he confidently expressed the hope "that the colonies would limit themselves." Unless they would do so, Wilson claimed for Pennsylvania the right to say she would not confederate.

* John Adams, ii., 499, and ix., 465, 467.

The scheme of confederation was in its form so complicate and in its type so low that, at the outset, the misshapen organism struck with paralysis the zeal for creating a government. Had it been at once adopted, the war could not have been carried on; but congress soon grew weary of considering it, and the revolution during its years of crisis continued to be conducted by the more efficient existing union, which had grown out of the instructions of the several colonies to their delegates, was held together by the necessities of war, and acknowledged the right of the majority to decide a question.

The states had, therefore, to fight the battles of independence under the simple organization by which it had been declared; the fear of a standing army as a deadly foe to the liberties of the people had thus far limited the enlistment of citizens to short terms; so that the national defence was committed to the ebb and flow of the militia of the separate states, and good discipline was made impossible.

In July, Crown Point was abandoned by the northern army, on the concurrent advice of the general officers, against the protest of Stark and twenty field-officers. Gates, though holding a subordinate command, neglected to make reports to his superior; and when Washington, after consulting his council, "expressed sorrow at the retreat from Crown Point," Gates resented the interference as "unprecedented," insisted that he and his council were in "nothing inferior" to "their brethren and compeers," and referred the matter to congress. While he so hastily set himself up as the rival of the commander-in-chief, he was intriguing with New England members of congress to supersede Schuyler.

On the first day of August, Washington declared in a general order: "Divisions among ourselves most effectually assist our enemies; the provinces are all united to oppose the common enemy, and all distinctions are sunk in the name of an American."

On the next day the members of congress, having no army but a transient one, no confederation, no treasury, no supplies of materials of war, signed the declaration of independence, which had been engrossed on parchment. The first, after John Hancock the president, to write his name was Samuel Adams, to whom the men of that day ascribed "the greatest part in

the greatest revolution of the world." The body was somewhat changed from that which voted on the fourth of July. Chase was now present, and by his side Charles Carroll, a new member, in whose election the long disfranchised Catholics of Maryland saw an evidence of their disinthralment. Wythe and Richard Henry Lee had returned from Richmond; Dickinson and two of his colleagues had made way for Clymer, Rush, and others; Robert Morris, who had been continued as a representative of Pennsylvania, now acted heartily with John Adams and Jefferson and Franklin. Mackean was with the army, and did not set his name to the roll before 1781. For New York, Philip Livingston and Lewis Morris joined with Francis Lewis and William Floyd.

American independence was ratified not by congress only, but by the nation. The unselfish enthusiasm of the people was its support; the boundlessness of the country formed its natural defence; and the self-asserting individuality of every state and of every citizen, though it delayed the organization of an efficient government with executive unity, imposed on Britain the impossible task of conquering them one by one.

Since America must wage a war for existence as a nation without an efficient government, there was the more need of foreign alliances. The maritime powers, which saw in England their natural foe, did not wait to be entreated. On the seventh of July, when there was danger of a rupture between Spain and Portugal on a question of the boundaries of Brazil, Vergennes read to the king in council his advice:

"The king of Spain must not act precipitately, for a war by land would divert us from the great object of weakening the only enemy whom France can and ought to distrust. The spirit and the letter of the alliance with Austria promise her influence to hold back Russia from listening to English overtures. In Holland it will be proper to reanimate the ashes of the republican party, and propitiate favor for neutrality as a source of profit. The Americans must be notified of the consequences which the actual state of things presages, if they will but await its development. As the English are armed in North America, we cannot leave our colonies destitute of all means of resistance. The isles of France and Bourbon demand

the same forethought. The English, under pretence of relieving their squadron in the Indies, will double its force; and, such is their strength in the peninsula of Hindostan, they might easily drive us from Pondicherry and our colonies, if we do not prepare for defence. Time is precious; every moment must be turned to account."

Replying to an inquiry of the comptroller-general, Vergennes, on the tenth, advised to admit the ships and cargoes of the united colonies without exacting duties or applying the restrictive laws on their entry or departure; so that France might become the emporium of their commerce with other European nations. "Take every precaution," so he admonished his colleague, "that our motives, our intentions, and, as far as possible, our proceedings, may be hidden from the English."

The attempt at concealment was frustrated by the arrival of Silas Deane. He was instructed to obtain information of what was going forward in England through his old acquaintance, Edward Bancroft, a native of Connecticut, who had migrated to the mother country, and had there gained some repute as a physician and a naturalist. In 1769 he had published an able and spirited pamphlet, vindicating the legislative claims of the colonies; and, under some supervision from Franklin, he had habitually written for the "Monthly Review" notices of publications relating to America. He accepted the post of a paid American spy, to prepare himself for the more lucrative office of a double spy for the British ministers.

On the eleventh, Vergennes admitted Deane to an interview. Reserving for the king's consideration the question of recognising the independence and protecting the trade of the united colonies, he listened with great satisfaction to the evidences of their ability to hold out against British arms to the end of the year, and gave it as his private opinion that, in case they should reject the sovereignty of his Britannic majesty, they might count on the unanimous good wishes of the government and people of France, whose interest it would not be to see them reduced by force. Received again on the twentieth, Deane made a formal request for two hundred light

brass field-pieces, and arms and clothing for twenty-five thousand men. The arms were promised; and Beaumarchais, whom Vergennes authoritatively recommended, offered merchandise on credit to the value of three millions of livres. But Deane summoned Bancroft to his side as if he had been a colleague, showed him his letters of credence and his instructions, took him as a companion in his journeys to Versailles, and repeated to him all that passed in the interviews with the minister. Bancroft returned to England, and his narrative for the British ministry is a full record of the first official intercourse between France and the United States. The knowledge thus obtained enabled the British ambassador to embarrass the shipment of supplies by timely remonstrances; for the French cabinet was not yet willing to appear openly in support of the insurgents.

The arrival of the declaration of independence gave more earnestness to the advice of Vergennes. On the last day of August he read to the king, in committee with Maurepas, Sartine, Saint-Germain, and Clugny, considerations on the part which France should now take toward England: "Ruin hangs over a state which, trusting to the good faith of its rivals, neglects precautions for safety, and disdains the opportunity of rendering its habitual foe powerless to injure. England is without question the hereditary enemy of France. In her intense nationality of character, the feeblest gleam of prosperity in France is an unsupportable grief. She arrogates the exclusive empire over the seas, and it is her constant maxim to make war upon us as soon as she sees us ready to assume our proper place as a maritime power. Left to herself, she will fall upon our marine, taking the same advantage as in 1755. What reparation have we thus far obtained for the affronts that have been put upon us in India, and the habitual violation of our rights at Newfoundland under the clear and precise stipulations of a treaty? In the south of America, Portugal openly attacks Spain; England justifies her ally and nourishes the germ of this quarrel, in order to direct its development as may suit her ambition. England has in America a numerous army and fleet, equipped for prompt action; if the Americans baffle her efforts, will not the chiefs of the ministry seek com-

pensation at the expense of France or Spain? Her conduct makes it plain, even to demonstration, that we can count little upon her sincerity and rectitude.

"The advantages of a war with England in the present conjuncture prevail so eminently over its inconveniences that there is no room for a comparison. What better moment could France seize, to efface the shame of the odious surprise of 1755 and all the ensuing disasters, than this, when England, engaged in a civil war a thousand leagues off, has scattered the forces necessary for her internal defence? Her sailors are in America, not in ships-of-war only, but in more than four hundred transports. Now that the United States have declared their independence, there is no chance of conciliation unless supernatural events should force them to bend under the yoke, or the English to recognise their independence. While the war continues between the insurgents and the English, the American sailors and soldiers, who in the last war contributed to make those enormous conquests of which France felt so keenly the humiliation, will be employed against the English, and indirectly for France. The war will form between France and North America a connection which will not grow up and vanish with the need of the moment. No conflicting interest divides the two nations. Commerce will form between them a very durable, if not an eternal, chain; vivifying industry, it will bring into our harbors the commodities which America formerly poured into those of England, with a double benefit, for the augmentation of our national labor lessens that of a rival.

"Whether war against England would involve a war on the continent deserves to be discussed. The only three powers whom England could take into her pay are Austria, Prussia, and Russia. The alliance between France and Austria, and the unlimited love of the empress queen for peace, guarantee her neutrality. The mutual distrust of the courts of Vienna and Berlin will keep them both from mixing in a war between the house of Bourbon and England. The republic of Holland, having beyond all other powers reason to complain of the tyranny of the English in all parts of the globe, cannot fear their humiliation, and would regard the war on the part of France as one of conservation rather than of conquest. If his majesty,

seizing a unique occasion which the ages will perhaps never reproduce, should succeed in striking England a blow sufficient to lower her pride and to confine her pretensions within just limits, he will for many years be master of peace, and will have the precious glory of becoming the benefactor not of his people only, but of all the nations.

"Should his majesty, on the other hand, prefer a doubtful and ill-assured peace to a war which necessity and reason can justify, the defence of our possessions will exact almost as great an expenditure as war, without any of the alleviations and resources which war authorizes. Even could we be passive spectators of the revolution in North America, can we look unmoved at that which is preparing in Hindostan, and which will be as fatal to us as that in America to England? The revolution in Hindostan, once begun, will console England for her losses by increasing her means and her riches tenfold. This we are still able to prevent."

After these sharp and penetrating words Vergennes "awaited in respectful silence the command which might please the wisdom of the king." The result was what Vergennes desired; the conduct of the British ministry in 1768, during the insurrection of the Corsican people against France in defence of their liberty, was adopted as the precedent for France in rendering aid to the Americans.

Meantime, Beaumarchais, with the connivance of Vergennes, used delicate flattery to awaken in the temporizing Maurepas a passion for glory. The profligate Count d'Artois, younger brother of the king, and the prodigal Duke de Chartres, better known as the duke of Orleans, innovators in manners, throwing aside the stiff etiquette and rich dress of former days for the English fashion of plain attire, daring riders and charioteers, eager patrons of the race-course which was still a novelty in France, gave their voices for war. The Count de Broglie was an early partisan of the Americans. A large part of the nobility of France panted for an opportunity to tame the haughtiness of England, which, as they said to one another, after having crowned itself with laurels, and grown rich by conquests, and mastered all the seas, and insulted every nation, now turned its insatiable pride against its own colonies. First among these

was the Marquis de Lafayette, then just nineteen, master of two hundred thousand livres a year, and happy in a wife who had the spirit to approve his enthusiasm. He whispered his purpose of joining the Americans to two young friends, the Count de Ségur and the Viscount de Noailles, who wished, though in vain, to be his companions. At first the Count de Broglie opposed his project, saying: "I have seen your uncle die in the wars of Italy; I was present when your father fell at the battle of Minden; and I will not be accessory to the ruin of the only remaining branch of the family." But when it appeared that the young man's heart was enrolled, and that he took thought of nothing but how to join the flag of his choice, the count respected his unalterable resolution.

Like Louis XVI., Charles III., then king of Spain, opposed open hostilities; Grimaldi, his chief minister, wished only to let England exhaust herself by a long civil war. American ships were received in Spanish harbors, and every remonstrance was met by the plea that, as they hoisted British colors, their real character could not be known. Privateers fitted out at Salem, Cape Ann, and Newburyport hovered off the rock of Lisbon and Cape St. Vincent, or ventured into the Bay of Biscay, sure of not being harmed when they ran into Corunna or Bilbao; but Grimaldi adhered to the principle that nothing could be more alarming to Spain than American independence.

The new attitude of the United States as a nation changed the nature of the conflict in England. The friends to the rights of Americans as fellow-subjects were not as yet friends to their separate existence; and all parties were summoned, as Englishmen, to unanimity. The virtue of patriotism is more attractive than that of justice; and the minority opposed to the government, dwindling almost to nothing, was now to have against them king, lords, and commons, nearly the whole body of the law, the more considerable part of the landed and mercantile interests, and the political weight of the church. The archbishop of Canterbury, in his proclamation for a fast, to be read in all the churches, charged the "rebel" congress with uttering "specious falsehoods;" young Jeremy Bentham rejected the case of the insurgents as "founded on the assumption of natural rights, claimed without the slightest evidence

for their existence, and supported by vague and declamatory generalities."

"Can Britain fail?" asked the poet-laureate of England, in his birthday ode. "Every man," said the wise political economist Tucker, "is thoroughly convinced that the colonies will and must become independent some time or other; I entirely agree with Franklin and Adams, to make the separation there is no time like the present." David Hume from his death-bed advised his country to give up the war with America, in which defeat would destroy its credit, and success its liberties. "A tough business, indeed," said Gibbon; "they have passed the Rubicon, and rendered a treaty infinitely more difficult; the thinking friends of government are by no means sanguine." Lord North had declared his intention to resign if his conciliatory proposition should fail. Lord George Germain was imbittered against the admiralty for having delayed the embarkations of troops, and against Carleton for his lenity and slowness. "I have my own opinions in respect to the disputes in America," said Barrington, the British secretary at war, imploringly to the king; "I am summoned to meetings, where I sometimes think it my duty to declare them openly before twenty or thirty persons; and the next day I am forced either to vote contrary to them, or to vote with an opposition which I abhor." Yet, when the king chose that he should remain secretary at war and member of the house of commons, he added: "I shall continue to serve your majesty in both capacities." The prospect of the interference of France excited in George III. such restless anxiety, that he had an interview with every Englishman of distinction who returned from Paris or Versailles; and he was impatient to hear from America that General Howe had struck decisive blows.

The conquest of the United States presented appalling difficulties. The task was no less than to recover by force of arms the region which lies between Nova Scotia and Florida; the first campaign had ended in the expulsion of the British from New England; the second had already been marked by a repulse from South Carolina. The old system of tactics was out of place; nor could the capacity of the Americans for resistance be determined by any known rule of war; the

depth of their passions had not been fathomed: they will long shun an open battle-ground; every thicket will be an ambuscade of partisans; every stone wall a hiding-place for sharpshooters; every swamp a fortress; the boundless woods an impracticable barrier; the farmer's house a garrison. A country over which they may march in victory wil rise up in their rear. Nothing is harder than to beat down a people who are resolved never to yield; and the English were unfit for the task, for in abridging the liberties of their colonies they were at war with their own.

CHAPTER II.

THE RETREAT FROM LONG ISLAND.

AUGUST 1776.

THE works for the defence of New York Island, including the fortifications in Brooklyn, had been planned by Lee in concert with a New York committee and a committee from congress. Jay thought it proper to lay Long Island waste, burn New York, and retire to the Highlands; but, as it was the maxim of congress not to give up a foot of territory, Washington promised "his utmost exertions under every disadvantage;" "the appeal," he said, "may not terminate so happily as I could wish, yet any advantage the enemy may gain I trust will cost them dear." To protect New York city he was compelled to hold King's Bridge, Governor's Island, Paulus Hook, and the heights of Brooklyn. For all these posts, divided by water, and some of them fifteen miles apart, he had in the first week of August but ten thousand five hundred and fourteen men fit for duty. Of these, many were often obliged to sleep without cover, exposed to the dews. There was a want of good physicians, medicines, and hospitals; more than three thousand lay sick, and their number was increasing.

Of the effective men, less than six thousand had had any experience, and none had seen more than one year's service. Some were wholly without arms; not one regiment of infantry was properly equipped. The regiment of artillery, five hundred and eighty-eight in number, including officers, had no skilled gunners or engineers. Knox, its colonel, had been a Boston bookseller. Most of the cannon in the field-works

were of iron, old and honeycombed. The constant arrival and departure of militia made good discipline impossible. The government of New Jersey called out one half of its militia, to be relieved at the end of one month by the other half; but the call was little heeded. "We shall never do well until we get a regular army; and this will never be until men are enlisted for a longer duration; and that will never be until we are more generous in our encouragement. Time alone will persuade us to this measure; and in the meanwhile we shall very indiscreetly waste a much greater expense than would be necessary for this purpose, in temporary calls upon the militia, besides risking the loss of many lives and much reputation." So wrote John Adams, the head of the board of war. He rejected the thought of retiring from Long Island, inclined to judge an army capable of victory when orders for the supply of men and their equipment had gone forth, and never duly estimated the force at command. While he cultivated confidential relations with Gates, he never extended cordial frankness to Washington, never comprehended his superior capacity for war, nor fairly weighed the difficulties before him. Moreover, congress was assuming the conduct of the campaign. To Gates it intrusted a power of filling up vacancies in his army, but refused it to the commander-in-chief. The general officers, whose advice Washington was instructed to ask, knew not enough of war to estimate danger rightly; and the timid ones, with their eyes on congress, put on the cheap mask of courage by spirited votes.

On the fifth of August, Trumbull wrote from Connecticut: "Knowing our cause righteous, I do not greatly dread what our numerous enemies can do against us." Washington answered: "To trust in the justice of our cause without our own utmost exertion would be tempting Providence;" and he revealed to him the weakness of his army. On receiving this letter, Trumbull convened his council of safety. Five regiments from the counties of Connecticut nearest New York had already been sent forward; he called out nine regiments more, and to those not enrolled in any train-band he said: "Join yourselves to one of the companies now ordered to New York, or form yourselves into distinct companies, and choose captains

forthwith. March on: this shall be your warrant; may the God of the armies of Israel be your leader." At these words the farmers—though their harvest was but half gathered, their meadows half cut, their chance of return in season to sow their grain before winter uncertain—rose in arms, forming nine regiments each of three hundred and fifty men, and, self-equipped, marched to New York, just in time to meet the advance of the British. True, they were rather a rally of freemen than a division of an army; but their spirit evinced the existence of a nation.

In New York the country people turned out with surprising alacrity, leaving their grain to perish for want of the sickle. The body suddenly levied in New York, the nine regiments from Connecticut, the Maryland regiment and companies, a regiment from Delaware, and two more battalions of Pennsylvania riflemen, raised the number of men fit for duty under Washington's command to about seventeen thousand; but most of them were fresh from rustic labor, ill-armed or not armed at all.

The New York convention desired that the command of the Hudson might be secured; and, on the recommendation of Putnam and Mifflin, a fort was built on the height now known as Fort Washington, two miles and a half below King's Bridge.

Of the batteries by which New York was protected, the most important was the old Fort George on the south point of the island; a barrier crossed Broadway near the Bowling Green; a redoubt was planted near the river, west of Trinity church; another, that took the name of Bunker Hill, near the site of the present Centre Market. Earthworks were thrown up here and there along the East and Hudson rivers within the settled parts of the town, and at the northern end of the island, on hills overlooking King's Bridge; but many intermediate points, favorable for landing, were defenceless. The regiment of Prescott, who commanded in the battle of Bunker Hill, and one other regiment, were all that could be spared to garrison Governor's Island.

The American lines in Brooklyn, including angles, and four redoubts which mounted twenty large and small cannon, ran for a mile and a half from Wallabout bay to the marsh of

Gowanus cove; they were defended by ditches and felled trees; the counterscarp and parapet were fraised with sharpened stakes. A fortress of seven guns crowned Brooklyn Heights. The entrance into the East river was guarded by a battery of five guns at Red Hook. Six incomplete continental regiments, with two of Long Island militia, constituted all the force with which Greene occupied this great extent of works.

British reinforcements arrived with Clinton and Cornwallis on the first of August, and eleven days later more than twenty-five hundred British troops from England, and more than eighty-six hundred Hessians. Sir Peter Parker brought Campbell and Dunmore, who, with Tryon and Martin, hoped from victory their restoration to their governments. On the fifteenth the Hessians, who were in excellent health after their long voyage, landed on Staten Island. Before a conflict, Lord Howe once more proposed the often rejected plan; and Washington, on the twentieth, announced to the army "that no offer of peace had been made, and that every man should prepare his mind and his arms for action." To congress he on the same day wrote frankly that it would not be possible to prevent the landing of the British on Long Island, saying: "We shall harass them as much as possible, which will be all that we can do." Just at this time Greene became ill of a raging fever. The loss of his service was irreparable, for the works in Brooklyn had been built under his eye, and he was familiar with the environs. His place was, on the twentieth, assigned to Sullivan.

About nine on the morning of the twenty-second the men-of-war moved near the shore in Gravesend bay, to protect the landing of more than fifteen thousand men from Staten Island. The English and the Highlanders, with the artillery, consisting of forty cannon, were the first to disembark; last came Donop's brigade of grenadiers and yagers, in large flat-boats, standing, with their muskets in hand, in order of battle.

The British army spread itself out upon the plain which stretches from Gravesend bay toward the east; the camp was thronged by farmers of the neighborhood, wearing badges of loyalty and seeking protection, while the patriots took to

flight, driving cattle before them and burning all kinds of forage. Cornwallis with the reserve, two battalions of infantry and the corps of Germans, advanced to Flatbush; Hand's Pennsylvania riflemen retired before him, burning stacks of wheat and hay on their march; the British artillery drove the Americans from their slight barrier within the village to the wooded heights beyond.

In the following days, during which Washington divided his time between Brooklyn and New York, the advanced parties of the two armies encountered each other, and the American riflemen proved their superiority as skirmishers.

On the twenty-fourth, Israel Putnam, in right of his rank as second to Washington, took the command on Long Island, but with explicit instructions to guard the passes through the woods; while the New York congress sent independent orders to Woodhull, a provincial brigadier, to drive off the horses, horned cattle, and sheep, and destroy the forage which would otherwise have fallen to the enemy.

On the twenty-fifth, two more brigades of Hessians with Heister came over, and on the next day reached Flatbush, increasing the rank and file with Howe on Long Island to "upward of twenty thousand"; * supported in the bay by more than four hundred ships and transports, by ten ships of the line and twenty frigates, beside bomb-ketches and other small vessels. The Americans, after repeated reinforcements, were no more than eight thousand men,† most of whom were volun-

* Correct Howe's Narrative, p. 45, where he said he had upon Long Island between fifteen thousand and sixteen thousand rank and file, and that his whole force consisted of twenty thousand one hundred and twenty-one (20,121) rank and file, of which sixteen hundred and seventy-seven (1,677) were sick. On August twenty-seventh, 1776, his rank and file amounted to twenty-four thousand two hundred and forty-seven (24,247), apart from the royalist force under Brigadier De Lancey. MS. returns of the army of Howe from the British state paper office. This is confirmed by Sir George Collier's report in Naval Chronicle, xxxii., 271.

† This statement of the American force is made after an examination of all the returns which I could find. The rodomontade of Howe, Almon's Debates, xi., 349, is repeated by Stedman, i., 194. In 1779 Lord Cornwallis, answering before the British house of commons as a witness, says: "It was reported they (the Americans) had six or eight thousand men on Long Island," Almon's Debates, xiii., 9. General Robertson estimates them at seven thousand, Almon, xiii., 314. Montresor at eight to ten thousand, Almon, xiii., 54. Of these Cornwallis is the most trustworthy witness.

teers or militia, with not a platoon of cavalry. The armies were kept apart by the ridge which runs through Long Island to the south-west, and, at the distance of two miles from the American lines, throws out to the north and south a series of hills, as so many buttresses against the bay. Over these densely wooded heights, which were steep and broken, three obvious routes led from the British encampments to Brooklyn: the one which followed a lane through a gorge south of the present Greenwood cemetery to a coast-road from the bay to Brooklyn ferry was guarded by Pennsylvanian musketeers and riflemen under Atlee and Kichline; across the direct road to Brooklyn the regiments of Henshaw of Massachusetts and Johnston of New Jersey lay encamped, at the summit of the ridge on Prospect Hill overlooking Flatbush; while the "clove" road, which diverged from the second, and a little farther to the east descended into the village of Bedford, was guarded chiefly by Connecticut levies and infantry from Pennsylvania. The number of the Americans stationed on the coast-road and along the ridge as far as their posts extended was about twenty-five hundred.

On the twenty-sixth, Washington remained on Long Island till the evening. Putnam and Sullivan visited the party that kept guard farthest to the left, and the movements of the enemy disclosed their intention to get into the rear of the Americans by the Jamaica road; but that road was neglected.

The plan of attack by General Howe was as elaborate as if he had had to encounter an equal army. A squadron of five ships under Sir Peter Parker was to menace New York and act against the right flank of the American defences; Grant, with two brigades, a regiment of Highlanders, and two companies of New York provincials, was to advance upon the coast-road toward Gowanus; the three German brigades and yagers, stationed half a mile in front of Flatbush, in a line of nearly a mile in length, were to force the direct road to Brooklyn, while at the evening gun Howe and much the larger part of the army, under Clinton, Cornwallis, and Percy, with eighteen field-pieces, leaving their tents and equipage behind, moved from Flatlands across the country through the New Lots, to turn the left of the American outposts.

At three in the morning of the twenty-seventh, Putnam was told that the picket which guarded the approach to the coast-road had been driven in; and, without further inquiry, he ordered Stirling, then a brigadier, with two regiments nearest at hand, "to advance beyond the lines and repulse the enemy." The two regiments were the large and well-equipped one of Delaware, and that of Maryland, which was composed of the sons of freeholders and men of property from Baltimore and its neighborhood. Of both, the colonels and lieutenant-colonels chanced to be absent on duty in New York city. They were followed by a regiment of two hundred and fifty men from Connecticut, under the lead of Parsons, a lawyer of that state, who eighteen days before had been raised from the bar to the rank of brigadier. Putnam's rash order directed Stirling to stop the approach of a detachment which might have been "ten times his number." The position to which he was sent was dangerous in the extreme. His course was oblique, inclining to the right; and this movement, relinquishing the direct communication with the camp, placed in his rear a marsh extending on both sides of Gowanus creek, which was scarcely fordable even at low tide, and was crossed by a bridge and a causeway that served as a dam for one of two tide-mills; on his left he had no connecting support; in front he had to encounter Grant's division, which outnumbered him four to one; and on his right was the bay, commanded by the fleet of Lord Howe. About where now runs Nineteenth street in Brooklyn, he formed his line along a ridge from the left of the road to woods on a height now enclosed within a cemetery and known as Battle Hill. Two field-pieces, all that he had to oppose against ten, were placed on the side of the hill so as to command the road and the only approach for some hundred yards. He himself occupied the right, which was the point of greatest danger; Atlee and Kichline formed his centre; Parsons commanded the left.

Early in the morning Putnam was informed that infantry and cavalry were advancing on the Jamaica road. He gave Washington no notice of the danger, sent Stirling no order to retreat; but Sullivan went out with a small party, and took command of the regiments of Henshaw and Johnston.

The sun rose with an angry red glare, foreboding a change of weather; the first object seen from New York was the squadron of Sir Peter Parker attempting to sail up the bay as if to attack the town; but, the wind veering to the northward, it came to anchor at the change of tide, and the Roebuck was the only ship that fetched high enough to exchange shot with the battery at Red Hook. Relieved from apprehension of an attack on the city, Washington repaired to Long Island; but he rode through the lines only in time to witness disasters which were become inevitable.

The van of the British army under Clinton, guided by tory farmers of the neighborhood, having captured a patrol of American officers in the night, gained the heights on the first appearance of day. The force with Howe, after passing them without obstruction, and halting to give the soldiers time for refreshment, renewed its march. At half-past eight, or a little later, it reached Bedford, in the rear of the American left, and the signal was given for a general attack. At this moment about four thousand Americans were on the wooded passes in advance of the Brooklyn lines. They were attacked by the largest British army which appeared in the field during the war. Could the American parties have acted together, the disproportion would yet have been more than five to one; but, as they were routed in a succession of skirmishes, the disproportion was too great to be calculated. The regiments on the extreme left did not perceive their danger till the British had turned their flank; they were the first to fly, and they reached the lines, though not without grievous losses. The regiment of Ward of Connecticut, which made its way seasonably by the mill-pond, burned the bridge as it passed, unmindful of the comrades whom they left behind.

When the cannonading from the main army and the brigades under Grant was heard, the Hessians moved up the ridge, the yagers under Donop and some volunteers going in advance as flanking parties and clearing the way with their small cannon; the battalions followed, with a widely extended front, and in ranks but two deep, using only the bayonet. At first, Sullivan's party fired with nervous rapidity, and too high, doing little injury; then, becoming aware of the dan-

ger on their flank and rear, they turned to retreat. The Hessians took possession of their deserted redoubt, its three brass six-pounders, one howitzer, and two baggage-wagons, and chased the fugitives relentlessly through the thickets. The Americans, stopped on their way by British regiments, were thrown back upon the Hessians. For a long time the forest rung with the cries of the pursuers and the pursued, the noise of musketry and artillery, the notes of command given by trumpets and hautboys; the ground was strewn with the wounded and the dead. The Jersey militia fought well, till Johnston, their colonel, was shot in the breast, after showing the most determined courage. Sullivan, seeing himself surrounded, desired his men to shift for themselves. Some of them, fighting with desperate valor, cleaved a passage through the British to the American lines; others, breaking into small parties, hid themselves in the woods, from which they escaped to the lines, or were picked up as prisoners. Sullivan was found by three Hessian grenadiers, hiding in a field of maize.

The contest was over at the east and at the centre. Near the bay Stirling still maintained his position. Lord Howe, having learned that Grant's division, which halted at the edge of the woods, was in want of ammunition, went himself with a supply from his ship, sending his boat's crew with it on their backs up the hill, while further supplies followed from the store-ships. Early in the day Parry, lieutenant-colonel under Atlee, was shot in the head as he was encouraging his men. Parsons left his men, concealed himself in a swamp, and came into camp the next morning by way of the East river. His party were nearly all taken prisoners; among them Jewett of Lyme, captain of volunteers, who after his surrender was run through the body by the officer to whom he gave up his sword.

None remained in the field but Stirling, with the regiment of Maryland and that of Delaware. For nearly four hours they stood in their ranks with colors flying, when, perceiving the main body of the British army rapidly coming behind him, he gave them the word to retreat. They withdrew in perfect order; twenty marines were brought off as prisoners. The only avenue of escape was by wading through Gowanus creek;

and this passage was almost cut off by troops under Cornwallis. Stirling must hold Cornwallis in check, or his party is lost; he ordered the Delaware regiment and one half of that of Maryland to make the best of their way across the marsh and creek, while he confronted the advancing British with only five companies of Marylanders. The young soldiers flew at the enemy with "unparalleled bravery, in view of all the American generals and troops within the lines, who alternately praised and pitied them." Washington wrung his hands as he exclaimed: "My God! what brave men must I this day lose!" When forced to give way, they rallied and renewed the onset. In this manner ten minutes were gained, so that the men of Delaware with their prisoners, and half the Maryland regiment passed the creek. The devoted men who had saved them were beaten back by masses of troops, and cut to pieces or taken; only nine of them succeeded in crossing the creek. Stirling gave up his sword to Heister.

During the engagement a British column drew near the American lines; could they have been carried, all the American troops on Long Island must have surrendered; but the works were protected by an abattis, and their defenders were strengthened by three regiments, just arrived from New York. Washington was present to direct and to encourage. The attempt to storm the redoubt, without artillery or fascines or axes or scaling-ladders, might have been repulsed with losses greater than at Bunker Hill; and Howe ordered the column to withdraw from the reach of musketry.

Of the British, at the least five officers and fifty-six others were killed, twelve officers and two hundred and forty-five others wounded, one officer and twenty marines taken prisoners. Much more than one half of this loss fell upon the troops who successively encountered Stirling. Of the Hessians, two privates were killed; three officers and twenty-three privates were wounded. The loss of the Americans, including officers, was, after careful inquiry, found to be less than a thousand, of whom three fourths were prisoners.

The extent of the disasters of the day was due to the incapacity of Israel Putnam, who suffered himself to be surprised; and, having sent Stirling and "the flower of the Ameri-

can army" into the most dangerous position into which brave men could have been thrown, neglected to countermand his orders. The Hessians, who received the surrender of Sullivan, Stirling, and more than half the captives, made no boast of having routed disconnected groups of ill-armed militia.

A bleak north-easterly wind sprung up at evening. The British army, whose tents had not yet been brought up, slept in front of the lines at Brooklyn, wrapped in blankets and warmed by fires. Of the patriot army many passed the night without shelter. Their dead lay unburied in the forest; the severely wounded languished where they fell. The captives were huddled together in crowded rooms or prison-ships, cut off from good air and wholesome food, and suffered to waste away and die.

The next morning was chill and lowering. Unable to rely on either of his major-generals, Washington, at the break of day, renewed the inspection of the American works, which from their great extent left many points exposed. The British encampments appeared large enough for twenty thousand men; wherever he passed, he encouraged the soldiers to engage in continual skirmishes. During the morning Mifflin brought over from New York a reinforcement of nearly one thousand men, composed of Glover's regiment of Massachusetts fishermen, and the Pennsylvania regiments of Shee and Magaw, which were "the best disciplined of any in the army." Their arrival was greeted with cheers. In the afternoon rain fell heavily; the lines were at some places so low that men employed in the trenches stood in water; provisions could not be regularly served, and whole regiments had nothing to eat but raw pork and bread; but their commander-in-chief was among them, exposing himself more than any one to the storm, and the sight of their general, enduring hardships equally with themselves, reconciled them to their sufferings. For eight-and-forty hours he gave no moment to sleep, and for nearly all that time, by night and by day, was on horseback in the lines.

The British commander-in-chief, General Sir William Howe, by illegitimate descent an uncle to the king, was of a very different cast of mind. Six feet tall, of an uncommonly dark complexion, a coarse frame, and a sluggish mould, he

succumbed unresistingly to his sensual nature. He was not much in earnest against the Americans, partly because he was persuaded that they could not be reduced by arms; partly because he professed to be a liberal in politics; partly because he never kindled with zeal for anything. He had had military experience, and had read books on war; but, being destitute of swiftness of thought and will, he was formed to carry on war by rule. On the field of battle he sometimes showed talent as an executive officer; but, except in moments of high excitement, he was lethargic, wanting alertness and sagacity. He hated business; and his impatience at being forced to attend to it made him difficult of access, and gained him the reputation of being haughty and morose. Indolence was his bane: not wilfully merciless, he permitted his prisoners to suffer from atrocious cruelty; not meaning that his troops should be robbed, he left peculators uncontrolled, and the army and the hospitals were wronged by contractors. His notions of honor in money matters were not nice; but he was not so much rapacious as insatiable. He indulged freely in pleasure, and loved to shake off sluggishness by the hazards of the faro-table. His officers were expected to be insensible to danger like himself; in their quarters he was willing they should openly lead profligate lives; and his example led many of the young to ruin themselves by gaming.

All the following night Washington, who was fixed in the purpose "to avoid a general action," kept watch over the British army and his own. In Philadelphia, rumor quadrupled his force; congress expected him to stay the enemy at the threshold, as had been done at Charleston; but the morning of Thursday showed him that the British had broken ground within six hundred yards of the height now known as Fort Greene, and that they intended to force his lines by regular approaches, which the nature of the ground and his want of heavy cannon extremely favored; all Long Island was in their hands, except only the neck on which he was intrenched, and a part of his camp would soon be exposed to their guns; his men were falling sick from hard service, exposure, and bad food; on a change of wind, he might be encircled by the entrance of the British fleet into the East river. It was no longer

safe to delay a retreat, of which the success would depend on preparing for it with impenetrable secrecy.

Through Mifflin, in whom he confided more than in any general on the island and who agreed with him in opinion, he despatched, at an early hour, a written command to Heath, at King's Bridge, "to order every flat-bottomed boat and other craft at his post, fit for transporting troops, down to New York as soon as possible, without the least delay."* In like manner, before noon, he sent Trumbull, the commissary-general, to New York, with orders for Hugh Hughes, the assistant quartermaster-general, "to impress every kind of water-craft, on either side of New York, that could be kept afloat, and had either oars or sails, or could be furnished with them, and to have them all in the East river by dark."†

These orders were issued so secretly that not even his general officers knew his purpose. All day long he continued abroad in the wind and rain, visiting the stations of his men as before. Not till "late in the day"‡ did he meet his council of war at the house of Philip Livingston on Brooklyn Heights. The abrupt proposal to retreat startled John Morin Scott, who, against his better judgment, impulsively objected to "giving the enemy a single inch of ground." But unanswerable reasons were urged in favor of Washington's design: the Americans were invested by an army of much more than double their number from water to water; Macdougall, whose nautical experience gave weight to his words, declared "that they were liable every moment, on the change of wind, to have the communication between them and the city cut off by the British frigates;" their supplies were scant; the rain, which had fallen for two days and nights with little intermission, had injured their arms and spoiled a great part of their ammunition; the soldiery, of whom many were without cover at night, were worn out by incessant duties and watching. The resolution to retreat was therefore unanimous.

To conceal the design to the very last, the regiments after dark were ordered to prepare for attacking the enemy in the

* Heath's Memoirs by himself, 57. For the order, see Force, American Archives, Fifth series, i., 1211. † Memorial of Hugh Hughes, 32, etc.

‡ John Morin Scott to J. Jay, 6 September 1776. MS.

night; several of the soldiers published to their comrades their unwritten wills; but the true purpose was soon surmised. At eight o'clock Macdougall was at Brooklyn ferry, charged to superintend the embarkation; and Glover of Massachusetts, with his regiment of Essex county fishermen, the best mariners in the world, manned the sailing-vessels and flat-boats. The rawest troops were the first to be embarked; Mifflin, with the Pennsylvania regiments of Hand, Magaw, and Shee, the men of Delaware, and the remnant of the Marylanders, claimed the honor of being the last to leave the lines. About nine the ebb of the tide was accompanied by a heavy rain and the continued adverse wind, so that for three hours the sail-boats could do little; but at eleven the north-east wind, which had raged for three days, died away; the water became so smooth that the row-boats could be laden nearly to the gunwales; and a breeze sprung up from the south and south-west, swelling the canvas from the right quarter. It was the night of the full moon; the British were so nigh that they were heard with their pick-axes and shovels; yet neither Agnew, their general officer for the night, nor any one of them, took notice of the murmur in the camp, or the plash of oars on the river, or the ripple under the sail-boats. All night long Washington was riding through the camp, insuring the regularity of every movement. Some time before dawn on Friday morning Mifflin, through a mistake of orders, began to march the covering party to the ferry; Washington discovered and countermanded the premature movement. The order to resume their posts was a trying test of young soldiers; the regiments wheeled about with precision, and recovered their former station before the enemy perceived that it had been relinquished. As day approached, a thick fog rolled in from the sea, shrouded the British camp, hid all Brooklyn, and hung over the East river without enveloping New York. When every other regiment was safely cared for, the covering party came down to the water side and were embarked. Last man of all, Washington entered a boat. It was seven o'clock before all the companies reached the New York shore. At four, Montresor had given the alarm that the Americans were in full retreat; but some hours elapsed before he and a corporal, with six men, clam-

bered into the works, only to find them evacuated. The whole American army who were on Long Island, with their provisions, military stores, field-artillery, and ordnance, except a few worthless iron cannon, landed safely in New York.

"Considering the difficulties," wrote Greene, "the retreat from Long Island was the best effected retreat I ever read or heard of." *

* Correct the thoroughly perverse account of the retreat from Long Island by the biographer of Joseph Reed. Reed's Reed, i., 221 to 226. The main authority of the biographer for his statement is a paper purporting to be a letter from an old man of eighty-four, just three days before his death, when he was too ill to write a letter or to sign his name, or even to make his mark, and yet, as is pretended, able to detail the substance of conversations held by the moribund fifty-six years before, with Colonel Grayson of Virginia, ten or eleven years after the retreat from Long Island, to which the conversations referred. His story turns on a change of wind, which he represents as having taken place before the council of war was called; now no such change of wind took place before the council of war met, as appears from their unanimous testimony at the time. (Proceedings of a council of war held August 29, 1776, at head-quarters in Brooklyn, printed by Onderdonk, 161, and in Force's Archives, fifth series, i., 1246.)

The lifting of the fog on the twenty-ninth, and consequent sight of the British fleet, forms the pivot of the biographer's attribution of special merit to Colonel Reed. But the accounts of contemporaries all agree that the fog did not rise till the morning of the thirtieth. Boston Independent Chronicle of September 19, 1776: "At sunrise" on the thirtieth. Benjamin Tallmadge's Memoirs, 10, 11: "As the dawn of the day approached, a very dense fog began to rise." Gordon's History, ii., 314, English edition of 1788: "A thick fog about two o'clock in the morning." Gordon wrote from the letters of Glover, and the information of others who were present. Note to the Thanksgiving sermon of Dr. John Rogers of New York, delivered in New York, December 11, 1783, and printed in 1784: "Not long after day broke, a heavy fog rose." Graydon mentions the fog as of the morning of the thirtieth. Compare Henry Onderdonk's Revolutionary Incidents in Suffolk and King's Counties, 158, 162.

The biographer of Reed seems not to have borne in mind the wonderful power of secrecy of Washington, in which he excelled even Franklin. That Washington was aware of his position appears from his allowing himself no sleep for eight-and-forty hours (Sparks, iv., 70), and from his account that his own deliberate policy was "to avoid a general action." It is of the more importance to set this matter right, as Washington Irving was misled by the error of Reed. For a concise notice of the retreat, written by Joseph Reed, 30 August 1776, see Sedgwick's Life of William Livingston, 203.

CHAPTER III.

THE PROGRESS OF THE HOWES.

August 30–September 1776.

Care sat heavily on the young people, who were to be formed to fortitude and endeared to after ages by familiarity with sorrows. Lord Howe received Sullivan on board of the Eagle with hospitable courtesy, approved his immediate exchange for General Prescott who was at Philadelphia, and then spoke so strongly of his own difficulty in recognising congress as a legal body, and yet of his ample powers to open a way for the redress of grievances, that the American general volunteered to visit Philadelphia as a go-between. A few hours after the troops passed over from Long Island he followed on parole, taking no minute of the offer which he was to bear, relying only on his recollection of desultory conversations. The American commander-in-chief disapproved his mission, but deemed it not right to prohibit by military authority an appeal to the civil power.

Washington withdrew the garrison from Governor's Island. Of the inhabitants of Long Island, some from choice, some to escape the prison-ship and ruin, took the engagement of allegiance. To Germain, the British general already announced the necessity of another campaign. In his report of the events on Long Island he magnified the force which he encountered two or three times, the killed and wounded eight or ten times, and enlarged the number of his prisoners. His own loss he somewhat diminished.

Conscious that congress were expecting impossibilities, Washington reminded them that the public safety required en-

listments for the war; the defeat on Long Island had impaired the confidence of the troops in their officers and in one another; the militia, dismayed, intractable, and impatient, went off by half-companies, by companies, and almost by whole regiments at a time. The necessity for abandoning the city of New York was so imminent, that the question whether its houses should be left to stand as winter-quarters for the enemy would "admit of but little time for deliberation." Rufus Putnam, the able engineer, reported that the enemy, from their command of the water, could land at any point between the bay and Throg's Neck; Greene advised a general retreat, and that the city and its suburbs should be burnt.

When, on the second of September, Sullivan was introduced to the congress, John Adams broke out to the member who sat next him: "Oh, the decoy-duck! would that the first bullet from the enemy in the defeat on Long Island had passed through his brain!" In delivering his message, Sullivan affirmed that Lord Howe said "he was ever against taxing us; that America could not be conquered; that he would set aside the acts of parliament for taxing the colonies and changing the charter of Massachusetts." Congress directed Sullivan to reduce his communication to writing. He did so, and presented it the next morning. Its purport was "that, though Lord Howe could not at present treat with congress as such, he was very desirous as a private gentleman to meet some of its members as private gentlemen; that he, in conjunction with General Howe, had full powers to compromise the dispute between Great Britain and America; that he wished a compact might be settled at this time; that in case, upon conference, they should find any probable ground of an accommodation, the authority of congress must be afterward acknowledged."

Congress having received this paper, which proposed their own abdication and the abandonment of independence and of union, proceeded to the business of the day. In committee of the whole, they took into consideration the unreserved confession of Washington, that he had not a force adequate to the defence of New York, and they decided that "it should in no event be damaged, for they had no doubt of being able to recover it, even though the enemy should obtain possession of

it for a time." They ordered for its defence three more battalions from Virginia, two from North Carolina, and one from Rhode Island; and they invited the assemblies and conventions of every state north of Virginia to forward all possible aid; but this reliance on speculative reinforcements increased the public peril.

On the fourth and fifth, congress debated the message of Lord Howe. Witherspoon, with a very great majority of the members, looked upon it as an insult. "We have lost a battle and a small island," said Rush, "but we have not lost a state; why then should we be discouraged? Or why should we be discouraged, even if we had lost a state? If there were but one state left, still that one should peril all for independence." George Ross sustained his colleague. "The panic may seize whom it will," wrote John Adams; "it shall not seize me;" and, like Rush and Witherspoon, he spoke vehemently against the proposed conference. On the other hand, Edward Rutledge favored it, as a means of procrastination; and at last New Hampshire, Connecticut, and even Virginia gave way for the sake of quieting the people. Sullivan was directed to deliver to Lord Howe a written "resolve, that the congress, being the representatives of the free and independent states of America, could not send their members to confer with him in their private characters; but, ever desirous of peace on reasonable terms, they would send a committee of their body to learn what authority he had to treat with persons authorized by them, and to hear his propositions." On the sixth the committee was elected by ballot, and the choice fell on Franklin, John Adams, and Edward Rutledge. For the future, it was ordered that no proposals for peace between Great Britain and the United States should be received unless they should be made in writing, and should recognise the authority of the states in congress.

Washington, seeing that it was impossible to hold New York, on the seventh convened his general officers, in the hope of their concurrence. The case was plain; yet Mercer, who was detained at Amboy, wrote an untimely wish to maintain the post; others interpreted the vote of congress as an injunction that it was to be defended at all hazards; and, as one third

of the army had no tents, and one fourth were sick, many clung to the city for shelter. The majority, therefore, decided to hold it with five thousand men, and to distribute the rest of the army between King's Bridge and Harlem Heights. The power to overrule the majority of his general officers had not been explicitly conferred on Washington. While, therefore, he removed such stores as were not immediately needed, and began to transfer the sick to the inland towns of New Jersey, he thus reasoned with congress:

"To be prepared at each point of attack has occasioned an expense of labor which now seems useless, and is regretted by those who form a judgment from after-knowledge; but men of discernment will see that by such works and preparations we have delayed the operations of the campaign till it is too late to effect any capital incursion into the country. Every measure is to be formed with some apprehension that all our troops will not do their duty. On our side the war should be defensive; it has even been called a war of posts; we should on all occasions avoid a general action, and never be drawn into a necessity to put anything to risk. Persuaded that it would be presumptuous to draw out our young troops into open ground against their superiors both in number and discipline, I have never spared the spade and pickaxe. I have not found that readiness to defend even strong posts at all hazards which is necessary to derive the greatest benefit from them. We are now in a post acknowledged by every man of judgment to be untenable. A retreating army is encircled with difficulties; declining an engagement subjects a general to reproach, and may throw discouragement over the minds of many; but, when the fate of America may be at stake on the issue, we should protract the war, if possible. The enemy mean to winter in New York; that they can drive us out is equally clear; nothing seems to remain but to determine the time of their taking possession."

Congress received this remonstrance with coldness; but it was unanswerable, and they resolved, on the tenth, that it had not been "their sense that any part of the army should remain in New York a moment longer than he should think it proper for the public service."

On the eleventh Lord Howe sent a barge for Franklin, John Adams, and Rutledge. They were met by him at the water's edge, and partook of a collation. In the discussion of business, a difficulty presented itself at the outset. As they had been formally announced as a committee from congress, Lord Howe premised, with some embarrassment of manner, that he was bound to say he conversed with them as private individuals. At this John Adams came to his relief, saying: "Consider us in any light you please, except that of British subjects." During a conversation which lasted for several hours Lord Howe was discursive in his remarks. To bring the discussion to a point, Edward Rutledge cited to him the declaration of Sullivan, "that he would set the acts of parliament wholly aside, because parliament had no right to tax America, or meddle with her internal polity."

Lord Howe answered, "that Sullivan had extended his words much beyond their import; that his commission in respect to acts of parliament was confined to powers of consultation with private persons." Franklin inquired if the commissioners would receive and report propositions from the Americans; as no objection was interposed, he represented "that it was the duty of good men on both sides of the water to promote peace by an acknowledgment of American independence, and a treaty of friendship and alliance between the two countries;" and he endeavored to prove that Great Britain would derive more durable advantages from such an alliance than from the connection which it was the object of the commission to restore. Lord Howe communicated to his government this overture, which he in his heart was beginning to approve. The committee of congress, on their return to Philadelphia, reported that he had made no proposition of peace, except that the colonies should return to their allegiance to the government of Great Britain; and that his commission did not appear to contain any other authority of importance than that of granting pardons and declaring America, or any part of it, to be in the king's peace, upon submission.

By this time the army of General Howe extended along the high ground that overlooks the East river and the sound, from Brooklyn to Flushing, and occupied the two islands which

we call Ward's and Randall's; a battery erected at Astoria replied to the American works on the point just north of Hellgate ferry. Night after night boats came in and anchored just above Bushwick. On the twelfth, Washington, supported by the written request of Greene and six brigadiers, reconvened his council of war at the quarters of Macdougall; and this time it was decided to abandon the lower part of the island, none dissenting but Spencer, Heath, and George Clinton. The council was hardly over when Washington was once more in the lines; and at evening the Americans under his eye doubled their posts along the East river. He was seen by the Hessians; and Krug, a captain of the Hessian artillery, twice in succession pointed cannon at him and his staff, and was aiming a third shot, as he rode on. The thirteenth, the anniversary of the victory on the Plains of Abraham in which Howe bore an honorable part, was selected for the landing of the British in New York; the watchword was "Quebec," the countersign "Wolfe;" but the ships-of-war that were to cover the landing caused delay. In the afternoon four of them, keeping up an incessant fire, and supported by the cannon on Governor's Island, sailed past the American batteries into the East river and anchored opposite the present Thirteenth street. One of their shot struck within six feet of Washington who was watching their movements. The next day six more British armed ships went up the East river. In one more day the city would have been evacuated.

On the fifteenth three ships-of-war ascended the Hudson as far as Bloomingdale. At eleven the ships-of-war which were anchored in the stream below Blackwell's Island began a heavy cannonade, to scour the grounds; at the same time eighty-four boats laden with troops, under the direction of Admiral Hotham, came out of Newtown creek, and with a southerly wind sailed up the East river in four columns, till, on a signal, they formed in line, and, aided by oars and the tide, landed between Turtle bay and the city. At the sound of the first cannon, Washington rode "with all possible despatch" toward Kip's bay, near Thirty-fourth street; he found the men who had been posted in the lines running away, and the brigades of Fellows of Massachusetts and Parsons of Connecticut, that were to have

supported them, flying in every direction. Putnam's division of about four thousand troops was still in the lower city, sure to be cut off, unless the British could be delayed. When all else fails, the commander-in-chief must in person give the example of daring. Washington presented himself to rally the fugitives and hold the advancing forces in check; but, on the appearance of a party of not more than sixty or seventy, they ran away without firing a shot, leaving him within eighty yards of the enemy. Reminded that it was in vain to withstand the British alone, he turned to guard against further disaster, and to secure Harlem Heights.

As the Hessians took immediate possession of the breastworks which guarded the Boston road, near the present Lexington avenue, the brigades fled, not without loss, across woody fields to Bloomingdale. Most of Putnam's division escaped by a road very near the Hudson; its commander, heedless of the intense heat of the day, rode from post to post to call off the pickets and guards. Silliman's brigade threw itself into the redoubt of Bunker Hill, where Knox, at the head of the artillery, thought only of a gallant defence; but Aaron Burr, who was one of Putnam's aids, guided them by way of the old Monument lane to the west side of the island, where they followed the winding road now superseded by the Eighth avenue, and regained the Bloomingdale road near the present Sixtieth street.

The respite which saved Putnam's division was due to Mary Lindley, the wife of Robert Murray. When the British army drew near her house on Incleberg, as Murray Hill was then called, Howe and his officers, ordering a halt, accepted her invitation to a lunch; and, by the excellence of her repast and the good-humor with which she parried Tryon's jests at her sympathy with the rebels, she whiled away two hours or more of their time, till every American regiment had escaped. The Americans left behind a few heavy cannon, and much of their baggage and stores; fifteen of them were killed; one hundred and fifty-nine were missing, chiefly wilful loiterers. The British gained the island as far as the eighth mile-stone, with but two Hessians killed and about twenty British and Hessians wounded. At night their bivouac extended from the

East river near Hell-gate to the Hudson at Bloomingdale. On Harlem Heights the American fugitives, weary from having passed fifteen hours under arms, disheartened by the loss of their tents and blankets, and wet by a cold driving rain that closed the sultry day, lay on their arms with only the sky above them.

The dastardly flight of the troops at Kip's bay was reported to congress by Washington; and was rebuked in a general order, menacing instant death as the punishment of cowardice on the field. Meantime, he used every method to revive the courage of his army. At two o'clock in the dark and cloudy morning of the sixteenth Silas Talbot by his orders ran down the river in a fire-brig under a fair wind, and, grappling the Renommé, set the brig on fire, escaping with his crew; the Renommé freed itself, but, with the other ships-of-war, quitted its moorings.

On the same day American troops extended their left wing from Fort Washington to Harlem. As an offset to this movement, Leslie, who commanded the British advanced posts, led the second battalion of light infantry, with two battalions of Highlanders and seven field-pieces, into a wood on the hill which lies east of Bloomingdale road and overlooks Manhattanville. From this detachment two or three companies of light infantry descended into the plain, drove in an American picket, and sounded their bugles in defiance. Engaging their attention by preparations for attacking them in front, Washington ordered Major Leitch with three companies of Weedon's Virginia regiment, and Colonel Knowlton with his volunteer rangers, to prepare secretly an attack on the rear of the main detachment in the wood; and Reed, who best knew the ground, acted as their guide. Under the lead of George Clinton, the American party which engaged the light infantry in front compelled them twice to retreat, and drove them back to the force with Leslie. The Americans in pursuit clambered up the rocks, and a very brisk action ensued, which continued about two hours. Knowlton and Leitch began their attack too soon, on the flank rather than in the rear. Reed's horse was wounded under him; in a little time Leitch was brought off with three balls through his side. Soon after, Knowlton

was mortally wounded; in the agonies of death, all his inquiry was if the enemy had been beaten. Notwithstanding the loss of their leaders, the men resolutely continued the engagement. Washington advanced to their support part of two Maryland regiments, with detachments of New Englanders; Putnam and Greene, as well as Tilghman and others of the general's staff, joined in the action to animate the troops, who charged with the greatest intrepidity. The British, worsted a third time, fell back into an orchard, and from thence across a hollow and up the hill which lies east of the Eighth avenue and overlooks the country far and wide. Their condition was desperate: they had lost seventy killed and two hundred and ten wounded; the Highlanders had fired their last cartridge; without speedy relief, they must certainly be cut off. The Hessian yagers were the first reinforcements that reached the hill, and were in season to share in the action, suffering a loss of one officer and seven men wounded. "Columns of English infantry, ordered at eleven to stand to their arms, were trotted about three miles, without a halt to take breath;" and the Linsing battalion was seen to draw near, while two other German battalions occupied Macgowan's pass. Washington, unwilling to risk a general action, ordered a retreat. This skirmish restored the spirit and confidence of the Americans. Their loss was about sixty killed and wounded; but among these was Knowlton, who would have been an honor to any country, and Leitch, one of Virginia's worthiest sons.

Howe would never own how much he had suffered; his general orders rebuked Leslie for imprudence. The result confirmed him in his caution. The ground in front of the Americans was so difficult and so well fortified that he could not hope to carry it by storm; he therefore waited more than three weeks, partly to collect means of transportation, and partly to form redoubts across the island.

During the delay, Lord Howe and his brother, on the nineteenth, in a joint declaration, going far beyond the form prepared by the solicitor-general, promised in the king's name a revision of his instructions, and his concurrence in the revision of all acts by which his subjects in the colonies might think themselves aggrieved; and, appealing from congress,

they invited all well-affected subjects to a conference. The paper was disingenuous; for the instructions to the commissioners, which were kept secret, demanded as preliminary conditions grants of revenue and further changes of charters.

About one o'clock in the morning of the twenty-first, more than five days after New York had been in the exclusive possession of the British, a fire chanced to break out in a small wooden public-house of low character near Whitehall slip. The weather had been hot and dry; a fresh gale was blowing from the south-west; the flames spread rapidly; and the east side of Broadway, as far as Exchange place, became a heap of ruins. The wind veering to the south-east, the fire crossed Broadway above Morris street, destroyed Trinity church and the Lutheran church, and extended to Barclay street. The flames were arrested, not so much by the English guard as by the sailors whom the admiral sent on shore. Of the four thousand tenements of the city, more than four hundred were burnt down. In his report, Howe, without the slightest ground, attributed the accident to a conspiracy.

When, after the disasters on Long Island, Washington needed to know in what quarter the attack of the British was to be expected, Nathan Hale, a captain in Knowlton's regiment, a graduate of Yale college, an excellent scholar, comparatively a veteran, but three months beyond one-and-twenty yet already betrothed, volunteered to venture, under a disguise, within the British lines. Just at the moment of his return he was seized and carried before General Howe, in New York; he frankly avowed his name, rank, and purpose; and, without a trial, Howe ordered him to be executed the following morning as a spy. That night he was exposed to the insolent cruelty of his jailer. The consolation of seeing a clergyman was denied him; his request for a Bible was refused. A more humane British officer, who was deputed to superintend his execution, furnished him means to write to his mother and to a comrade in arms. On the morning of the twenty-second, as he ascended the gallows, he said: "I only regret that I have but one life to lose for my country." The provost-marshal destroyed his letters, as if grudging his friends a knowledge of the firmness with which he had contemplated death. His

countrymen never pretended that the beauty of his character should have exempted him from the penalty which the laws of war of that day imposed; they complained that the hours of his imprisonment were imbittered by barbarous harshness.

The Americans kept up the system of wearing out their enemy by continual skirmishes and alarms. On the twenty-third, at the glimmer of dawn, in a well-planned but unsuccessful attempt to recapture Randall's Island, Thomas Henly of Charlestown, Massachusetts, "one of the best officers in the army," lost his life. He was buried by the side of Knowlton, within the present Trinity cemetery.

The prisoners of war, five hundred in number, whom Carleton had sent from Quebec on parole, were landed on the twenty-fourth from shallops at Elizabeth point. It wanted but an hour or two of midnight; the moon, nearly full, shone cloudlessly; Morgan, as he sprung from the bow of the boat, fell on the earth as if to clasp it, and cried: "O my country!" They all ran a race to Elizabethtown, where, too happy to sleep, they passed the night in singing, dancing, screaming, and raising the Indian halloo from excess of joy. Washington hastened Morgan's exchange, and recommended his promotion. After the commander-in-chief, he was the best officer whom Virginia sent into the field.

Seemingly irreconcilable differences of opinion delayed the continental congress in the work of confederation; Edward Rutledge despaired of success, except through a special convention of the states, chosen for this purpose alone.

On the seventeenth, after many weeks of deliberation, the members of congress adopted an elaborate plan of treaty to be proposed to France. They wished France to engage in a separate war with Great Britain, and by this diversion to leave America the opportunity of establishing her independence. They were willing to assure to Spain freedom from molestation in its territories; they renounced in favor of France all eventual conquests in the West Indies; but they claimed the sole right of acquiring British continental America, the Bermudas, Cape Breton, and Newfoundland. The king of France might retain his exclusive rights in Newfoundland, as recognised by England in the treaty of 1763; but his subjects

were not to fish "in the havens, bays, creeks, roads, coasts, or places," which the United States were to win. The rising nation avowed the principle that free ships impart freedom to goods; that a neutral power may lawfully trade with a belligerent. Privateering was to be much restricted. The young republic, in this moment of her greatest need, was not willing to make one common cause with France; she only offered not to assist Great Britain in the war on France, nor trade with that power in contraband goods. The commissioners might stipulate that the United States would never again be subject to the crown or the parliament of Great Britain; and, in case France should become involved in the war, that neither party should make a definitive treaty of peace without six months' notice to the other. They were further instructed to solicit muskets and bayonets, ammunition and brass field-pieces, to be sent under convoy by France; and it was added: "It will be proper for you to press for the immediate and explicit declaration of France in our favor, upon a suggestion that a reunion with Great Britain may be the consequence of a delay."

In the selection of the three members of the commission, Franklin was placed at its head; Deane, with whom Robert Morris had associated an unworthy member of his own family as a joint commercial agent in France, was chosen next; to them was added Jefferson, who, early in August, had retired from congress to assist his native state in adapting its code of laws to its new life as a republic. When Jefferson declared himself constrained to decline the appointment, it was given to Arthur Lee. Franklin proposed that the commission should have power to treat forthwith for peace with England.

The conduct of the war ever met increasing difficulties. The attempt to raise up a navy was baffled by a want of guns, canvas, and ammunition. In the preceding December congress had ordered the construction of thirteen ships-of-war, each of which was to carry from twenty-four to thirty-two guns; but not one of them was ready for sea, and the national cruisers consisted of about twelve merchant vessels, purchased and equipped at intervals. The officers, of whom the first formal appointment was made on the twenty-second of De-

cember 1775, and included the names of Nicholas Biddle and John Paul Jones, were necessarily taken from merchant ships. American privateers, in the year 1776, captured three hundred and forty-two British vessels; and these volunteer adventures were so lucrative that few sailors would enlist in the public service for more than a twelvemonth, and most of them only for one cruise.

Before the middle of June, the committee on spies, of which John Adams and Edward Rutledge were members, were desired to revise the articles of war; after more than three months an improved code, formed on the British regulations, was adopted.

The country was upon the eve of a dissolution of its army; Washington, almost a year before, had foretold to congress the evils of their system with as much accuracy as if he "had spoken with a prophetic spirit." His condition at present was more critical than before, for a larger force was arrayed against him. He borrowed hours allotted to sleep to convey to congress with sincerity and freedom his thoughts on the proper organization of the army, saying: "Experience, which is the best criterion to work by, so fully, clearly, and decisively reprobates the practice of trusting to militia that no man who regards order, regularity, and economy, or his own honor, character, or peace of mind, will risk them upon this issue. The evils to be apprehended from a standing army are remote, and, situated as we are, not at all to be dreaded; but the consequence of wanting one is certain and inevitable ruin. This contest is not likely to be the work of a day; and, to carry on the war systematically, you must establish your army upon a permanent footing." The materials, he said, were excellent; to induce enlistments for the continuance of the war, he urged the offer of a sufficient bounty; for the officers he advised proper care in their nomination, and such pay as would encourage "gentlemen" and persons of liberal sentiments to engage: in this manner they would in a little time have an army able to cope with any adversary. But congress, without waiting for his advice, framed a plan of their own.

On the sixteenth of September they resolved that eighty-eight battalions be enlisted as soon as possible to serve during

the war, but without offering adequate inducements. The men in the army, whose term would expire with the year, had been enlisted directly by continental agents and officers; congress now apportioned to the thirteen states their respective quotas; and this reference of the subject to so many separate legislatures or governments could not but occasion a delay of several months, even if the best will should prevail. Congress had no magazines; they therefore left the states to provide arms and clothing, each for its own line. To complete the difficulty of organizing a national army, they yielded to the several states the appointment of all officers except general officers; no discretion was reserved to the commander-in-chief, or formally even to themselves, to promote the meritorious. Vacancies must remain undisposed of till the states, each for itself, should exercise its power.

The earnest expostulations of Washington commanded little more respect from congress than a reference to a committee; three of its members were deputed to repair to the camp, but their mission was attended by no perceptible results. Troops continued to be levied by requisitions on the several states, and officers to be nominated by local authorities. Washington, therefore, reluctantly bade adieu to every present hope of commanding an efficient, thoroughly united army, and in moments of crisis there was no resource but in appeals through the local governments to the people. But the citizens, without being permanently imbodied, proved untiring in zeal and courage; and it was by them that American liberty was asserted, defended, and made triumphant. To undisciplined militia belong the honors of Concord and Lexington; militia withstood the British at Bunker Hill; by the aid of militia an army of veterans was driven from Boston; and we shall see the unprosperous tide of affairs, in the central states and in the South, turned by the sudden uprising of volunteers.

CHAPTER IV.

OPINION IN ENGLAND. BORDER WAR IN AMERICA.

JULY–NOVEMBER 1776.

IN England, when the demand of the Americans had changed from redress to independence, ninety-nine out of one hundred of their old well-wishers desired their subjection. While Germain attributed "infinite honor to the beloved and admired Lord Howe," he strained after words to praise "the inborn courage and active spirit," and youthful fire, and wise experience of General Howe, whom the king nominated a knight-companion of the order of the Bath. The cause of the Americans seeming now to be lost, Fox wrote to Rockingham: "It should be a point of honor among us all to support the American pretensions in adversity as much as we did in their prosperity, and never desert those who have acted unsuccessfully upon whig principles."

The session of parliament was at hand; Rockingham, Burke, and their friends proposed to stay away from its meetings, assigning as their motive that their opposition did but exhibit their weakness, and so strengthened the ministry. Fox remonstrated: "I conjure you, over and over again, to consider the importance of the crisis; secession would be considered as running away from the conquerors, and giving up a cause which we think no longer tenable." But the rebellion seemed in its last agony; they therefore kept aloof for the time, willing to step in on the side of mercy when the ministers should have beaten it down.

The king, as he opened parliament on the thirty-first of October, derived from the declaration of independence "the

one great advantage of unanimity at home;" and he professed a desire "to restore to the Americans the blessings of law and liberty."

"The principles operating among the inhabitants of the colonies in their commotions," said Lord John Cavendish, "bear an exact analogy with those which support the most valuable part of our constitution; to extirpate them by the sword, in any part of his majesty's dominions, would establish precedents most dangerous to the liberties of this kingdom." "It is impossible for this island to conquer and hold America," said Wilkes; "we must recall our fleets and armies, repeal all acts injurious to the Americans, and restore their charters, if we would restore unity to the empire." "Some of the colonies," said Lord North, "will break off from the general confederacy. Reconciliation has constantly been my object; it is my wish to use victory with moderation." The house was reminded by Barré that both France and Spain might interfere. Germain replied: "Do you suppose the house of Bourbon would like to have the spirit of independence cross the Atlantic, or their own colonists catch fire at the unlimited rights of mankind?" "Administration," said Fox, "deserve nothing but reproach for having brought the Americans into such a situation that it is impossible for them to pursue any other conduct than what they have pursued. In declaring independence, they have done no more than the English did against James II. The noble lord who spoke last prides himself on a legislature being re-established in New York. It has been very well said that the speech is a hypocritical one; in truth, there is not a little hypocrisy in supposing that a king" —and he made the allusion more direct, by ironically excepting George III. as one who really loved liberty—"that a common king should be solicitous to establish anything that depends on a popular assembly. Kings govern by means of popular assemblies only when they cannot do without them; a king fond of that mode of governing is a chimera. It cannot exist. It is contrary to the nature of things. But if this happy time of law and liberty is to be restored to America, why was it ever disturbed? It reigned there till the abominable doctrine of gaining money by taxes infatuated our statesmen. Why did

you destroy the fair work of so many ages, in order to re-establish it by the bayonets of disciplined Germans? If we are reduced to the dilemma of conquering or abandoning America, I am for abandoning America."

These intrepid words thrilled the house of commons. "I never in my life heard a more masterly speech," said Gibbon. "I never knew any one better on any occasion," said Burke.

The division left the ministry in the undisputed possession of power in parliament; but letters from General Howe to the twenty-fifth of September, received on the second of November, crushed their hopes of early success in reducing America. For the next campaign he required ten line-of-battle ships with supernumerary seamen to join the fleet in February, and recruits from Europe without definite limit.

These demands Germain could not meet. His gloomy forebodings he kept to himself; while his runners about town were taught to screen the ministry by throwing the blame of delays upon the madness or ignorance, the rashness or inactivity, of Clinton, Carleton, and Howe. But he could not conceal the public declaration in which the two brothers pledged the ministers to concur in the revisal of all the acts of parliament by which the Americans were aggrieved. To test the sincerity of this offer, Lord John Cavendish, on the sixth, moved that the house should resolve itself into a committee to consider of that revisal. The motion perplexed Lord North, who certainly did not wish to root up every chance of rèconciliation; but the exigency of the debate outweighed the consideration due to a remote people, and forced him to say: "I will never allow the legislative claims of this country to be a grievance, nor relax in pursuing those claims, so long as the Americans dispute our power and right of legislation. Let them acknowledge the right, and I shall be ready not only to remedy real grievances, but even, in some instances, to bend to their prejudices." Fox directed attention to the assumption of power to raise taxes, and of power to modify or annihilate charters at pleasure, as the two principal grievances which needed revision. "Till the spirit of independency is subdued," replied Wedderburn, "revisions are idle; the Americans have no terms to demand from your

justice, whatever they may hope from your grace and mercy." Lord John Cavendish, on the division, obtained less than fifty votes.

From this time the friends of Rockingham attended in the morning on private business, but so soon as public business was introduced they ostentatiously bowed to the speaker and withdrew, leaving the ministers to carry their measures without opposition or debate. But this policy did not suit Fox, whose sagacity and fearlessness made him, at twenty-seven, the most important member of the house of commons.

The character of this unique man was not a chapter of contradictions; each part of his nature was in harmony with all the rest. "Perhaps no human being was ever more perfectly exempt from the taint of malevolence, vanity, or falsehood;" but he had no restraining principles, and looked with contempt on those who had. Priding himself on ignorance of every self-denying virtue, and delighting in excesses, he feared nothing. Unlucky at the gaming-table beyond all calculation of chances, draining the cup of pleasure to the dregs, the delight of profligates, the sport of usurers, he braved scandal, and gloried in a lordly recklessness of his inability to pay his debts, as if superb ostentation in misfortune raised him above his fellow-men. He had a strong will; but he never used it to bridle his passions, even though their indulgence corrupted his young admirers, and burdened his own father with his enormous losses. Born to wealth and rank and easy access to the service of the king, at heart an aristocrat, he could scoff at monarchy and hold the language of a leveller and a demagogue. He loved poetry and elegant letters, Shakespeare and Dryden, the songs of Homer above all; but science was too dull for him, and even the lucidity and novelty of Adam Smith could not charm him to the study of political economy. His uncurbed licentiousness seemed rather to excite than to exhaust his powers; his perceptions were quick and instinctively true; and in his wildest dissipation he retained an unextinguishable passion for activity of intellect. Living as though men and women were instruments of pleasure, he yet felt himself destined for great things, and called forth to the service of mankind. To be talked about, he would stake all

he had and more on a wager; but the all-conquering instinct of his ambition drove him to the house of commons. There his genius was at home; and that body cherished him with the indulgent pride which it always manifests to those who keep up its high reputation with the world. A knotty brow, a dark brown complexion, thick, shaggy eyebrows, and a compact frame, marked a rugged audacity and a commanding energy, which made him rude and terrible as an adversary; but with all this he had a loveliness of temper which so endeared him to his friends that the survivors among them whom I have known never ceased the praise of the sweetness and gentleness of his familiar intercourse. It was natural to him to venerate greatness like Edmund Burke's; and a wound in his affections easily moved him to tears. If his life was dissolute, his speech was austere. His words were all pure English; he took no pains to hunt after them; the aptest came at his call, and seemed to belong to him. Every part of his discourse lived and moved. He never gave up strength of statement for beauty of expression, and never indulged in fine phrases. His healthy diction was unaffectedly simple and nervous, always effective, sometimes majestic and resounding, rarely ornate, and then only when he impressed a saying of poet or philosopher to tip his argument with fire. He never dazzled with brilliant colors, but could startle by boldness in the contrast of light and shade. He forced his hearers to be attentive and docile; for he spoke only when he had something to say that needed to be said, and compelled admiration because he made himself understood. He could not only take the vast compass of a great question, but, with singular and unfailing sagacity, could detect the principle upon which it hinged. What was entangled he could unfold quickly and lucidly; now speaking with copious fluency, and now unravelling point by point; at one time confining debate within the narrowest limits, and again discoursing as if inspired to plead for all mankind. He had a wonderful gift at finding and bringing together what he wanted, though lying far off and asunder. It was his wont to march straightforward to his end; but he knew how to step aside from an onset, to draw back with his eye on his foe, and then, by a quick reversion, to strike him

unawares as with talons. When involved in dispute, he dashed at the central idea, which was of power to decide the strife; grasped it firmly and held it fast; turned it over and over on every side; held it up in the most various aspects; came once more to dwell upon it with fresh strength; renewed blow after blow till it became annealed like steel. He hit the nail again and again, and always on the head, till he drove it home into the minds of his hearers; and, when he was outvoted, he still bore away the wreath as a wrestler. His merits, as summed up by Mackintosh, were "reason, simplicity, and vehemence."

Yet Fox was great only as a speaker, and only as a speaker in the house of commons, and there great only as a speaker in opposition. He was too skilful in controversy to be able to present the connections and relations of events with comprehensive fairness, and his strength went out from him when he undertook the office of an historian. He failed as a statesman from the waywardness of unfixed principles; but he was the very man to storm a stronghold. In running down a ministry, his voice hallooed on the pack, and he was sure to be the first in at the death. And now, in the house of commons, this master of debate had declared for the independence of the United States.

Subordinates in Canada paid court to the "confidential circle" of Germain by censuring Carleton for restraining the Indians within the boundary of his province.

Early in September, Hamilton, the lieutenant-governor of Detroit, wrote directly to the secretary of state, promising that small parties "of the savages assembled" by him "in council," "chiefs and warriors from the Ottawas, Ojibwas, Wyandots, and Pottawatomies," with the Senecas, would "fall on the scattered settlers on the Ohio" and its branches. With fretful restlessness Germain enjoined his agents to extend the massacres and scalpings along the border of population from Canada to Georgia, and chid every sign of relenting.

In 1769 Carleton had urged the ministry to hold the line of communication between the St. Lawrence and New York, as the means of securing the dependence of New York and New England; and he looked upon the office of recovering that line

as reserved of right for himself. In the next year's campaign he proposed to advance to Albany; for the present, he designed only to acquire the mastery of Lake Champlain. In opposing him the Americans met insuperable difficulties; their skilful ship-builders were elsewhere crowded with employment in fitting out public vessels and privateers; the scanty naval stores which could be spared must be transported from tide-water to the lake, over almost impassable roads; and every stick of timber was to be cut in the adjacent woods. When determined zeal had constructed a fleet of eight gondolas, three row-galleys, and four sloops or schooners, there were neither naval officers nor mariners to take charge of them. The chief command fell on Arnold, a landsman; his second was Waterbury, a brigadier in the Connecticut militia; the crews were mostly soldiers.

On the other hand, Carleton, who overrated the American force on the lakes, retarded the campaign by an excess of preparation. He was aided by constructors from England, Quebec, and the fleet in the St. Lawrence. The admiralty contributed naval equipments and materials for ship-building in abundance; it sent from the British yards three vessels of war, fully prepared for service, in the expectation that they could be dragged up the rapids of the Richelieu; two hundred or more flat-boats were built at Montreal and hauled to St. John's, whence a deep channel leads to the lake. The numerous army, composed in part of the men of Brunswick and of Waldeck, were most amply provided with artillery. While the vessels and transports were being built, or transferred to Lake Champlain, the troops for nearly three months were trained as sharpshooters, exercised in charging upon imagined enemies in a wood, and taught to row. They became familiar with the manners of the savage warriors, of whom four hundred in canoes were to form their van on the lake; and they loved to watch the labors of the boat-builders. The large vessels which were to have been dragged by land round the portage of the Richelieu were taken in pieces and rebuilt at St. John's. About seven hundred sailors and the best young naval officers were picked from ships-of-war and transports for the fleet.

On the fourth of October, Carleton began his cautious ad-

vance; on the tenth all his fleet was in motion. Arnold, whose judgment did not equal his courage, moored his squadron in the bay between Valcour Island and the main, leaving the great channel of the lake undisputed to his enemies, who, on the morning of the eleventh, with a wind from the northwest, passed between Great and Valcour Islands and came into his rear, with much more than twice his weight of metal and twice as many fighting vessels. His defiant self-reliance did not fail him; forming a line at anchor from Valcour to the main, he advanced in the schooner Royal Savage, supported by his row-galleys. The wind favored him, while it kept off the Inflexible, which was already to the south of him; but the Carleton was able to get into action, and was sustained by the artillery-boats. The galleys were driven back; the Royal Savage, crippled in its masts and rigging, fell to the leeward and was stranded on Valcour Island, whence Arnold, with the crew, made his way to the Congress. Meantime, the Carleton, accompanied by the artillery-boats, beat up against the breeze, till it came within musket-shot of the American line, when it opened fire from both sides. The Congress, on which Arnold acted as gunner, was hurt in her main-mast and yards, was hulled twelve times, and hit seven times between wind and water; the gondola New York lost all her officers except her captain; in the Washington, the first lieutenant was killed, the captain and master wounded, the main-mast shot through so that it became useless; a gondola was sunk. Of the British artillery-boats, one, or perhaps two, went down. The Carleton, which, owing to the wind, could receive no succor, suffered severely; Dacres, its captain, fell senseless from a blow; Brown, a lieutenant of marines, lost an arm; but Pellew, a lad of nineteen, who succeeded to the command, carried on the fight, to prevent Arnold's escape. Just before dark, when sixty or more of the Americans and forty or more of the British had been killed or wounded, the artillery-boats, on the signal of recall, towed the Carleton out of the reach of shot. At eight in the evening the British fleet anchored, having their left wing near the mainland, the right near Valcour Island, with several armed boats still farther to the right, to guard the passage between Valcour and Great Island. Ar-

nold and his highest officers, Waterbury and Wigglesworth, saw no hope but in running the blockade. An hour or two before midnight they hoisted anchor silently in the thick darkness; Wigglesworth, in the Trumbull, led the retreat; the gondolas and small vessels followed; then came Waterbury in the Washington; and, last of all, Arnold, in the Congress; and, having a fair wind, they stole unobserved through the British fleet, close to its left wing.

When day revealed their escape, Carleton, advancing slowly against a southerly breeze, in the morning of the thirteenth, at half-past twelve, was near enough to the fugitives to begin a cannonade. At half-past one the wind came suddenly out of the north, striking the British sails first; the Washington was overtaken near Split Rock, and compelled to strike. The Congress, with four gondolas, keeping up a running fight of five hours, suffered great loss, and was chased into a small creek in Panton on the east side of the lake. To save them from his pursuers, Arnold set them on fire, with their colors flying. The last to go on shore, he formed their crews, and, in sight of the English ships, marched off in order.

Carleton reproved his prisoners for engaging in the rebellion, found an excuse for them in their orders from the governor of Connecticut whose official character the king still recognised, and dismissed them on their parole.

On the fourteenth, master of the lake, he landed at Crown Point, within two hours' sail of Ticonderoga, which must have surrendered for want of provisions had he pushed forward. But he never for a moment entertained such a design, and waited only for tidings from Howe. These were received on the twenty-seventh, and on the next day his army began its return to Canada for winter-quarters. On the third of November his rear guard abandoned Crown Point; British officers were astonished at his retreat, which seemed to the Americans a flight that could not be accounted for.

No sooner had Moultrie and his brave garrison repulsed the attack near Charleston than Lee used his undeserved fame to extort from congress thirty thousand dollars as an indemnity for the possible forfeiture of property in England.

Acting on the suggestion of a stranger, without reflection

or exact inquiry, Lee, in the second week of August, at the unhealthiest season of the year, hastily marched off the Virginia and North Carolina troops, without a field-piece or even a medicine-chest, on an expedition against Florida. Howe of North Carolina and Moultrie soon followed, and about four hundred and sixty men of South Carolina, with two field-pieces, were sent to Savannah by water along the inland route. At Sunbury a deadly fever broke out in the camp, especially in the battalion from the valley of Virginia. By this time Lee sought to shift from himself to Moultrie the further conduct of the expedition, but Moultrie replied that there were no available resources which could render success possible. Early in September congress called Lee to the North, to command in chief in case of mishap to Washington; he at once began the journey, taking with him all the continental force except the troops of North Carolina.

He left a savage war raging in the mountains of the two Carolinas and Georgia. The Cherokees were amazed at the estrangement between their father over the water and their elder brothers of the Carolinas; but Cameron and Stuart, British agents, having an almost unlimited credit on the British exchequer, swayed them to begin war. The colonists in what is now eastern Tennessee were faithful to the patriot cause. Twice they received warning from the Overhill Cherokees to remove from their habitations; but the messenger took back a defiance, and threats from the district then called Fincastle county in Virginia. So stood the Cherokees, when a deputation of thirteen or more Indians came to them from the Six Nations, the Shawnees and Delawares, the Mingoes, and the Ottawas. The moment, they said, was come to recover their lost lands. The Shawnees produced their war-tokens, of which the young Cherokee warriors laid hold, showing in return a war-hatchet received about six years before from the northern Indians. When the news of the arrival of Clinton and Cornwallis off Charleston reached the lower settlements of the Cherokees, their warriors, on each side of the mountains, twenty-five hundred in number, prepared for deeds of blood. The Overhills collected a thousand skins for moccasons, and beat their maize into flour. A few whites were to go with them to

invite all the king's men to join them, after which they were to kill or drive all whom they could find. While Henry Stuart was seeking to engage the Choctas and Chickasas as allies, the Cherokees sent a message to the Creeks with the northern war-tokens; but the Creeks returned for answer that "the Cherokees had plucked the thorn out of their foot, and were welcome to keep it." The rebuff came too late; at the news that the lower settlements had struck the borders of South Carolina, the wily warriors of all the western settlements fell upon the inhabitants of eastern Tennessee, and roved as far as the cabins on Clinch river and the Wolf Hills, now called Abingdon. The common peril caused a general rising of the people of eastern Tennessee and south-western Virginia, of North Carolina and the uplands of South Carolina. The Overhills received a check on the twentieth of July at the Island Flats, in what Haywood, the venerable historian of Tennessee, calls a "miracle of a battle," for not one white man was mortally wounded, while the Cherokees lost forty. The next day a party was repulsed from Fort Watauga by James Robertson and his garrison of forty men. Colonel Christian, with Virginia levies, joined on their march by troops from North Carolina and Watauga, made themselves masters of the upper settlements on the Tellico and the Tennessee; but, when the Cherokees sued for peace, the avenging party granted it, except that towns like Tuskega, where a captive boy had lately been burnt alive, were reduced to ashes.

The warriors of the lower settlements, who began the war, at daybreak on the first of July poured down upon the frontiers of South Carolina, killing and scalping without distinction of age or sex. The people, having parted with their best rifles to the defenders of Charleston, flew for safety to stockade forts. The Indians were joined by the agent Cameron and a small band of white men, to promote a rising of the loyalists in upper South Carolina. Eleven hundred patriots of that state, under the lead of Williamson, made head against the invaders, and, in August, destroyed the Cherokee towns on the Keowee and the Seneca and on one side of the Tugaloo, while a party of Georgians laid waste those on the other. Then, drawing nearer the region of precipices and waterfalls, which

mark the eastern side of the Alleghanies, Williamson's army broke up the towns on the Whitewater, the Toxaway, the Estatoe, and in the beautiful valley of Jocassa, leaving not one to the east of the Oconee Mountain. The outcasts, who had taken part in scalping and murdering, fled to the Creeks, whose neutrality was respected.

In September, establishing a well-garrisoned fort on the Seneca, and marching up War Woman's creek, Williamson passed through Rabun gap, destroyed the towns on the Little Tennessee as far as the Unica Mountain, and then toiled over the dividing ridge into the Hiwassee valley, sparing or razing the towns at his will. There he was joined by Rutherford of North Carolina, who had promptly assembled in the district of Salisbury an army of more than two thousand men, crossed the Alleghanies at the Swannanoa gap, forded the French Broad, and penetrated into the middle and valley towns, of which he laid waste six-and-thirty. Germain, in November, wrote to his trusty agent: "I expect with impatience to hear that you have prevailed with the Creeks and Choctaws to join the Cherokees in a general confederacy against the rebels." But the Choctaws never inclined to the war; the Chickasaws receded; the Creeks kept wisely at home; and the Cherokees were forced to beg for mercy. At a talk in Charleston, in February 1777, the Man-killer said: "You have destroyed my homes, but it is not my eldest brother's fault; it is the fault of my father over the water;" and, at the peace in the following May, they gave up their lands as far as the watershed of the Oconee Mountain.

Nor was the overawing of the wild men the only good that came out of this bootless eagerness of the British minister to crush America by an Indian confederacy; henceforward the settlers of Tennessee upheld American independence; and, putting their mind into one word, they named their district WASHINGTON.

CHAPTER V.

WHITE PLAINS. FORT WASHINGTON.

October 1–November 16, 1776.

For nearly four weeks Washington and the main body of his army remained on the heights of Harlem. The uneven upland, little more than a half-mile wide and, except at a few points, less than two hundred feet above the sea, falls away precipitously toward the Hudson; along the Harlem river it is bounded for more than two miles by walls of primitive rock or declivities steep as an escarpment. Toward Manhattanville it ended in pathless crags. There existed no highway from the south except the narrow one which, near the One Hundred and Forty-fourth street, yet winds up Breakneck Hill. The approach from that quarter was guarded by three parallel lines, of which the first and weakest ran from about the One Hundred and Forty-eighth street on the east to the One Hundred and Forty-fifth on the west; the second was in the rear, at the distance of two fifths of a mile; the third, one quarter of a mile still farther to the north; so that they could be protected, one from another, by musketry as well as cannon. A little farther than the third parallel, the house which Washington occupied stood on high ground overlooking the plains, the hills above Macgowan's pass, the distant city, and the bay.

North of head-quarters the land undulates for yet a mile, to where Mount Washington, its highest peak, rises two hundred and thirty-eight feet over the Hudson. The steep summit was crowned by a five-sided earthwork, mounting thirty-four cannon, but without casemates or strong outposts.

Just beyond Fort Washington the heights cleave asunder,

and the road to Albany, by an easy descent, passes for about a mile through the rocky gorge. Laurel Hill, the highest cliff on the Harlem side, was occupied by a redoubt; the opposite hill, near the Hudson, known afterward as Fort Tryon, was still more difficult of access. Thence both ridges fall abruptly to a valley which crosses the island from Tubby Hook. Beyond this pass the land to King's Bridge on the right is a plain and marsh; on the left a new but less lofty spur springs up and runs to Spyt den Duyvel creek, by which the Harlem joins the Hudson. This part of New York Island was defended by Fort Independence, on the high ridge north of Spyt den Duyvel; a series of redoubts guarded Fordham Heights, on the east bank of the Harlem; an earthwork was laid out above Williams's Bridge; and on the third of October a guard of riflemen had their alarm-post at the pass from Throg's Neck. Greene commanded a body in Jersey, at Fort Lee, on the summit of the palisades, where they were seventy-three feet higher than Fort Washington.

Washington took all care to keep open the line of retreat in his rear; but he would have awaited an attack from the south, for it would not have menaced his communications.

The army eagerly looked forward to the coming of Lee. "His arrival," said Tilghman, the most faithful member of Washington's staff, "will greatly relieve our worthy general, who has too much for any mortal upon his hands." "Pray hasten his departure, he is much wanted," was the message of Jay to a friend in Philadelphia. Yet Lee had not one talent of a commander. He never could conceive anything as a whole or comprehend a plan of action; but, by the habit of his mind, would fasten upon some detail, and always find fault. As an Englishman, he affected to look down upon his present associates as "very bad company;" for he had the national pride of his countrymen, though not their loyalty. His alienation from Britain grew out of petulance at being neglected; and, had a chance of favor been thrown to him, he would have snapped most eagerly at the bait. He esteemed the people into whose service he had entered unworthy of a place among the nations; and if, by fits, he played the part of a zealot in their cause, his mind always came back to his first idea, that

they had only to consider how they could "return to their former state of relation." He used afterward to say that "things never would have gone so far had his advice been taken;" and he reconciled himself to the declaration of independence by the Americans, only that there might be something "to cede" as the price of "accommodation." Awaiting the chief command in case of a vacancy, he looked upon himself as the head of a party, and wearied congress with clamor for a separate command on the Delaware; as they persisted in sending him to the camp of Washington, he secretly mocked at them as "a stable of cattle that stumbled at every step."

Lee had "advised that now was the time to make up with Great Britain," and had promised for that end to "use his influence with congress." On that question Pennsylvania was divided. Its convention, composed of new men, and guided mainly by a school-master, the honest but inexperienced James Cannon, formed a constitution, under the complex influence of abstract truths and an angry quarrel with the supporters of the old charter of the colony. The elective franchise was extended to every resident tax-payer, and legislative power concentrated in a single assembly. Moreover, that assembly, in joint ballot with a council whose members were too few to be of much weight in a decision by numbers, was to select the president and vice-president. The president had no higher functions than those of the president of a council-board. This constitution, which satisfied neither the feelings nor the reflective judgment of a numerical majority in the state, was put in action without being previously submitted to the citizens for ratification; and it provided no mode for its amendment but through the vote of two thirds of all persons elected to a board of censors, which was to be chosen for one year only in seven. From every elector, before his vote could be received, an oath or affirmation was required that he would neither directly nor indirectly do anything injurious to the constitution as established by the convention. This requirement, which a large part of the inhabitants, especially of the Quakers, could not accept and suffered in consequence virtual disfranchisement, rent the state into imbittered factions. To the proprietary party the new government was hateful as a usurpation; to

Robert Morris, Cadwalader, Rush, Wayne, and many others of "the best of the whigs," the uncontrolled will of a single legislative assembly seemed a form of tyranny; while the want of executive energy took away all hope of calling the resources of the state fully into action.

The constitution of New Jersey would be self-annulled, "if a reconciliation between Great Britain and the colonies should take place;" the president of the body which framed it opposed independence to the last, and still leaned to a reunion with Britain; the highest officers in the public service were taken from those who had stood against the disruption; the assembly had adjourned on the eighth "through mere want of members to do business," leaving unfinished almost everything which they should have done; the open country could not hope for success in resisting an invading army; "the tories, taking new life, in one of the largest counties were circulating for subscription" complaints of the declaration of independence, because it was a bar to a treaty. Lee, alleging the concurrence of "the most active friends to the cause in New Jersey and the other provinces he had passed through," from Princeton proposed that congress should authorize an offer to open a negotiation with Lord Howe on his own terms.

Washington at this time, "bereft of every peaceful moment, losing all comfort and happiness," compelled to watch the effects of the wilfulness of congress in delaying to raise an army, and least of all thinking that any one could covet his office, saw the difficulty of doing any essential service to the cause by continuing in command and the inevitable ruin that would follow his retirement. "Such is my situation," said he, privately, "that, if I were to wish the bitterest curse to an enemy on this side of the grave, I should put him in my stead with my feelings." Again he addressed congress: "Give me leave to say your affairs are in a more unpromising way than you seem to apprehend; your army is on the eve of its dissolution. True it is, you have voted a larger one in lieu of it; but the season is late, and there is a material difference between voting battalions and raising men." With this warning in his hands, John Adams, the chairman of the board of war, said: "The British force is so divided, they will do no great

matter more this fall;" and though officially informed that the American army would disband, that all the measures thus far adopted for raising a new one were but fruitless experiments, he asked, and on the tenth of October obtained, leave of absence at the time when there was the most need of energy to devise relief. On the morning of the eleventh, previous to his departure, news came that, two days before, two British ships, of forty-four guns each, with three or four tenders, under an easy southerly breeze, ran through the impediments in the Hudson without the least difficulty and captured or destroyed the four American row-galleys in the river. Yet Congress would not conceive the necessity of further retreat; referring the letter to the board of war, they instantly "desired Washington, if practicable, by every art and at whatever expense, to obstruct effectually the navigation between the forts, as well to prevent the regress of the enemies' frigates lately gone up as to hinder them from receiving succors." Greene encouraged this rash confidence. After the British ships-of-war had passed up the river he said: "Our army are so strongly fortified, and so much out of the command of the shipping, we have little more to fear this campaign."

Just then Howe, leaving his finished lines above Macgowan's pass to the care of three brigades under Percy, embarked the van of his army on the East river, and landed at Throg's Neck. Washington, who had foreseen this attempt to gain his rear, seasonably occupied the causeway and bridge which led from Throg's Neck by Hand's riflemen, a New York regiment, the regiment of Prescott of Pepperell, and an artillery company; posted guards on all the defensible grounds between the two armies; began the evacuation of New York Island by sending Macdougall's brigade before nightfall* four miles be-

* The origin of the retirement of the American army from New York has been most industriously misrepresented. "The movement originated with General Lee," writes Stedman, Hist. of the War, i., 211, and he is substantially followed in Reed's Reed, i., 251. So far is this from the truth, the movement was ordered before the idea had entered the mind of Lee, as appears from his letters of 12 and 14 October, and was more than half executed a day or two before his arrival. For evidence of the beginning of the movement, see Smallwood, 12 October 1776, where he acknowledges the receipt of his orders on the very day the British landed, Force, ii., 1014; confirmed by Heath in his journal for the

yond King's Bridge; and detached a corps to White Plains, to which place he ordered his stores in Connecticut to be transferred. On the thirteenth a council of war was called, but was adjourned, that Greene and Mercer might receive a summons and Lee be present. On the fourteenth, in obedience to the indiscreet order of congress, Colonel Rufus Putnam was charged "to attend particularly to the works about Mount Washington, and to increase the obstructions in the river as fast as possible;" while Lee, still in New Jersey, blamed the commander-in-chief for not threatening to resign. Later in the day Lee crossed the river, and found New York Island already more than half evacuated. Riding in pursuit of Washington, who was directing in person the defence along East and West Chester, he was assigned to the division beyond King's Bridge, with the request that he would exercise no command till he could make himself acquainted with the arrangements of his post.

In the following night Mercer, at first accompanied by Greene, made a descent upon Staten Island, and at daybreak on the fifteenth took seventeen prisoners at Richmond.

To the council of war which assembled on the sixteenth Washington produced ample evidence of the intention of the enemy to surround his army. In their reply, all except George Clinton agreed that a change of position was necessary "to prevent the enemy cutting off the communication with the country." Lee, who came to the meeting to persuade its members that there was no danger whatever of an attack, joined in the wise decision which the best of the generals had formed before they came together, and distinguished himself by his vehement support of his new opinion.* The council with apparent unanimity advised the commander-in-chief that "Fort Washington be retained as long as possible."

same day, Heath, 76; by Colonel Ewing to Maryland Council of Safety, 13 October 1776, in Force, ii., 1025; by J. Reed to his wife, 13 October 1776, in Reed's Reed, i., 244: "The principal part of this army is moved off this island." These letters were all written before Lee arrived, and before he knew anything about the movement.

* That Lee's opinion was new appears from his own letters. Gordon, in his account of the council, is grossly misled. He makes Greene figure largely; but Greene was not present at it, as the record shows. Force, ii., 1117.

After five days, which Howe passed on Throg's Neck in bringing up more brigades and collecting stores, he gave up the hope of getting directly in Washington's rear, and resolved to strike at White Plains. On the eighteenth the British, crossing in boats to Pell's Neck, landed just below East Chester, at the mouth of Hutchinson river. Glover, with one brigade, engaged their advanced party in a short but sharp action, which was commended in general orders. That night the British lay upon their arms, with their left upon a creek toward East Chester, and their right near New Rochelle. In the march to White Plains the Americans had the advantage of the shortest distance, the greatest number of efficient troops, and the strongest ground. The river Bronx, a small stream of Westchester county, nearly parallel with the Hudson, scarcely thirty miles long, draining a very narrow valley, and almost everywhere fordable, ran through thick forests by the side of a succession of steep ridges. The hills to the north of White Plains continue to the lakes which are the sources of the Bronx, and join the higher range which bounds the basin of the Croton river. The Americans, who were in fine spirits, moved upon the west side, pressing the British toward the sound, taking care not to be outflanked, and protecting their march by a series of intrenched camps. Deficient in the means of transportation, they themselves dragged their artillery, and carried what they could of their baggage on their backs.

Howe manifested extreme caution; his march was close, his encampments compact. He was beset by difficulties in a "country so covered with forests, swamps, and creeks that it was not open in the least degree to be known but from post to post, or from the accounts of the inhabitants who were entirely ignorant of military description." After halting two days for two regiments of light dragoons, on the twenty-first, leaving Heister with three brigades to occupy the former encampment, he advanced with the right and centre of his army two miles above New Rochelle. To counteract him, Washington transferred his head-quarters to Valentine's Hill, and put in motion Heath's division, which marched in the night to White Plains, and on the following day occupied the strong grounds

north of the village, so as to protect the upper road from Connecticut. In the same night Haslet of Delaware surprised a picket of Rogers's regiment of rangers, and brought off thirty-six prisoners, a pair of colors, and sixty muskets. A few hours later, Hand, with two hundred rifles, encountered an equal number of yagers and drove them from the field. Howe felt the need of a greater force. On the twenty-second, the second division of the Hessians and the regiment of Waldeckers, who had arrived from a very long voyage only four days before, were landed by Knyphausen at New Rochelle, where they remained to protect the communications with New York. This released the three brigades with Heister; but, before they could move, Washington, on the morning of the twenty-third, installed his head-quarters at White Plains, and thus baffled the plan of getting into his rear. On the twenty-fifth the British army crossed the country from New Rochelle to the New York road, and encamped at Scarsdale with the Bronx in front, the right of his army being about four miles from White Plains. While Howe's was waiting to be joined by Heister's division, the ever-querulous Lee and the rear of the American army reached Washington's camp, without loss, except of sixty or seventy barrels of provisions.

The twenty-seventh was marked by a combined movement of the British who had been left at New York against Fort Washington. A ship-of-war came up to cut off the communication across the river, while the troops under Percy, from Harlem plain, made a disposition for an attack; but Greene animated the defence by a visit; Magaw promptly manned his lines on the south; the vessel of war suffered so severely from two eighteen-pounders on the Jersey and one on the New York side that she slipped her cable and escaped by the aid of the tide and four tow-boats. Elated at the result, Greene sent to congress by express a glowing account of the day; "the troops," he said, "were in high spirits, and in every engagement, since the retreat from New York, had given the enemy a drubbing." Lasher, on the next day, obeyed orders sent from Washington's camp to quit Fort Independence, which was insulated, and upon any considerable attack must have fallen; but Greene, under the illusions of

inexperience and hasty judgment, complained of the evacuation, and wrote murmuringly to Washington that the "fort might have kept the enemy at bay for several days."

On the bright morning of the twenty-eighth the army of Howe, expecting a battle which was to be the crisis of the war, advanced in two divisions, its right under Clinton, its left under Heister. At Hart's Corner they drove back a large party of Americans under Spencer. As their several columns came within three quarters of a mile of White Plains, Washington's army was seen in order of battle awaiting an attack on hilly ground of his own choice, defended by an abattis and two nearly parallel lines of intrenchments, his right flank and rear protected by a bend in the Bronx, his left resting on very broken ground too difficult to be assailed.

Howe was blamed for not having immediately stormed the American centre, which was the only vulnerable point. Washington had no misgivings, for his army, numbering rather more than thirteen thousand men against thirteen thousand, was in good spirits, confident in itself and in him. Howe considered that the chances of a repulse might be against him; that, should he carry one line, there would remain another; that, if he scaled both, "the rebel army could not be destroyed," because the ground in their rear was such as they could wish for securing a retreat, so that the hazard of an attack exceeded any advantage he could gain. But, as he had come so far, he seemed forced to do something. A corps of Americans, about fourteen hundred strong, under the command of Macdougall, occupied Chatterton Hill, west of the Bronx and less than a mile west-south-west of Washington's camp, and thus covered the road from Tarrytown to White Plains. Howe directed eight regiments, about four thousand men, to carry this position, while the rest of his army, with their left to the Bronx, seated themselves on the ground as lookers-on.

A heavy but ineffective cannonade by the British across the Bronx was feebly returned by the three field-pieces of the Americans on the hill. The Hessian regiment Lossberg, supported by Leslie with the second English brigade and Donop with the Hessian grenadiers, forded the Bronx and

marched under cover of the hill, until by facing to the left their column became a line parallel with that of the Americans, which was composed of the remains of the regiments of Brooks of Massachusetts, Haslet of Delaware, Webb of Connecticut, Smallwood of Maryland, and one of New York. The cannonade ceased, and the British troops, through a shower of bullets, climbed the rocky hillside. For fifteen minutes they met with a determined resistance, especially from the men of Maryland and Delaware. In the American camp it seemed that the British were worsted; but just then Rall, who had brought up two regiments by a more southerly and easier route, charged the Americans on their flank. Macdougall, attacked in flank and front by thrice his own numbers, conducted his party over the Bronx by the road and bridge to Washington's camp. The loss of the Americans in killed and wounded was less than a hundred, of the British and Hessians at least two hundred and twenty-nine.

The occupation of Chatterton Hill enfeebled Howe by dividing his forces; and he waited two days for four battalions from New York and two from New Rochelle. Washington employed the respite in removing his sick and his stores, and throwing up strong works on higher grounds in his rear.

A drenching rain in the morning of the thirty-first was Howe's excuse for postponing the attack one day more; in the following night Washington, perceiving that Howe had finished batteries and received reinforcements, drew back his army to high ground above White Plains. There, at the distance of long cannon-shot, he was unapproachable in front, and he held the passes in his rear. But under the system of short enlistments his strength was wasting away. The militia would soon have a right to go home, and did not always wait for their discharge. "It was essential to keep up some shadow of an army;" nevertheless "not a single officer was yet commissioned to recruit."

Thus far Howe had but a poor tale to tell; he must do more, or go into winter quarters in shame. Putnam had an overweening confidence in the impregnability of Fort Washington; on his parting request, Greene, whose command now included that fort, had not scrupled to increase its garrison by

sending over between two and three hundred men. The regiments which had charge of its defence were chiefly Pennsylvanians under the command of Colonel Magaw, who had passed from the bar of Philadelphia to the army.

On the last day of October, Greene wrote to Washington for instructions; but, without waiting for them, he again reinforced Magaw with the rifle regiment of Rawlings. On the second of November, Knyphausen left New Rochelle, and with his brigade took possession of the upper part of New York Island. On the fifth Howe suddenly broke up his encampment in front of Washington's lines and moved to Dobb's Ferry; the American council of war which was called on the sixth at White Plains agreed unanimously to throw troops into the Jerseys, but made no change in its former decision "to retain Fort Washington as long as possible." That decision rested on a resolution of congress; to that body, therefore, Washington, on the day of the council, explained the approaching dissolution of his own army, and "that the enemy would bend their force against Fort Washington and invest it immediately." But "the gentry at Philadelphia loved fighting, and, in their passion for brilliant actions with raw troops, wished to see matters put to the hazard." Greene was possessed with the same infatuation; when, on the sixth, three vessels passed the obstructions in the Hudson, he wrote to Washington "that they were prodigiously shattered from the fire of his cannon;" and at the same time, reporting that Rall had advanced with his column to Tubby Hook, he added: "They will not be able to penetrate any farther."

Washington saw more clearly, and on the eighth he gave to Greene his final instructions: "The passage of the three vessels up the North river is so plain a proof of the inefficacy of all the obstructions thrown into it that it will fully justify a change in the disposition. If we cannot prevent vessels from passing up, and the enemy are possessed of the surrounding country, what valuable purpose can it answer to attempt to hold a post from which the expected benefit cannot be had? I am therefore inclined to think that it will not be prudent to hazard the men and stores at Mount Washington; but, as you are on the spot, I leave it to you to give such orders as to evac-

uating Mount Washington as you may judge best, and so far revoking the order given to Colonel Magaw to defend it to the last. So far as can be collected from the various sources of intelligence, the enemy must design a penetration into Jersey, and to fall down upon your post. You will therefore immediately have all the stores removed which you do not deem necessary for your defence."

On the ninth he began his removal to the Jerseys by sending over Putnam with five thousand troops, of which he was himself to take the command. On the tenth, Lee, who, with about seven thousand five hundred continental troops and militia, was to remain behind till all doubt respecting Howe's movements should be over, was warned, in written orders, to guard against surprises, and to transport all his baggage and stores to the northward of Croton river, with this final instruction: "If the enemy should remove the greater part of their force to the west side of Hudson's river, I have no doubt of your following, with all possible despatch." But to Lee the prospect of a separate command was so alluring that he was resolved not to join his superior.

On the morning of the eleventh, the commander-in-chief, attended by Heath, Stirling, the two Clintons, Mifflin, and others, went up the defile of the Highlands, past Forts Independence and Clinton and the unfinished Fort Montgomery, as far as the island on which Fort Constitution commanded the sudden bend in the river. A glance of the eye revealed the importance of the west point, which it was now determined to fortify according to the wish of the New York provincial convention. Very early on the twelfth, Washington rode with Heath to reconnoitre the gorge of the Highlands; then giving him, under written instructions, the command of the posts on both sides of the river, with three thousand troops of Massachusetts, Connecticut, and New York to secure them, he crossed at ten o'clock, and rode through Smith's "clove" to Hackensack. His arrangements, as the events proved, were the very best that his circumstances permitted, and he might reasonably hope to check the progress of Howe in New Jersey at the river.

But Greene framed measures contrary to Washington's in-

tentions and orders. He fell to questioning the propriety of the directions which he received; insisted that Fort Washington should be kept, even with the certainty of its investment; gave assurance that the garrison was in no great conceivable danger, and could easily be brought off at any time; and cited Magaw's opinion, that the fort could stand a siege till December. Instead of evacuating it, he took upon himself, in disregard of his instructions, to send over reinforcements, chiefly of Pennsylvanians, none from New England; and, in a direct report to congress, counteracting the urgent remonstrances of his chief, he encouraged that body to believe that the attempt of Howe to possess himself of it would fail.

Before the end of the thirteenth, Washington arrived at Fort Lee, and, to his great grief, found what Greene had done. "The importance of the Hudson river, and the sanguine wishes of all to prevent the enemy from possessing it," had induced congress to intervene by an order, which left Washington no authority to evacuate Fort Washington except from necessity; a full council of general officers had determined to hold the post; Greene, the commander of the post, had insisted that the evacuation was not only uncalled for, but would be attended by disastrous consequences; and, under this advice, Washington delayed to give an absolute order for withdrawing the garrison.

On the night following the fourteenth, thirty flat-boats of the British passed his post undiscovered and hid themselves in Spyt den Duyvel creek. Having finished batteries on Fordham Heights, Howe, in the afternoon of the fifteenth, summoned Magaw to surrender Fort Washington, on pain of the garrison's being put to the sword. The gallant officer, remonstrating against this inhuman menace, made answer that he should defend his post to the last extremity, and sent a copy of his reply to Greene, who, about sunset, forwarded it to Washington, and himself soon after repaired to the island. On receiving the message, Washington rode to Fort Lee, and was crossing the river in a row-boat late at night when he met Putnam and Greene, and spoke with them in the stream. Greene, who was persuaded that he had sent over "men enough to defend themselves against the whole British army,"

reported that the troops were in high spirits, and would do well. On this report Washington turned back with them to Fort Lee.

The grounds which Magaw was charged to defend reached from the hills above Tubby Hook to a zigzag line a little south of the present Trinity cemetery, a distance north and south of two and a half miles, a circuit of six or seven. The defence of the northernmost point of the heights over the Hudson was committed to Rawlings with the Maryland rifle regiment, in which Otho Holland Williams was the second in command; on the Harlem side, Baxter, with one Pennsylvania regiment from Bucks county, occupied the redoubt on Laurel Hill; Magaw retained at Fort Washington a small reserve; the lines at the south were intrusted solely to Colonel Lambert Cadwalader of Philadelphia, with eight hundred Pennsylvanians. The interval of two miles between the north and south lines was left to casual supplies of troops.

The Americans had to deal not only with immensely superior forces, but with treason. On the second of November, William Demont, a man of good powers of observation whom the Philadelphia committee of safety had appointed Magaw's adjutant, deserted to Lord Percy, taking with him the plans of Fort Washington and its approaches. By these Howe prepared the assault.

A cannonade from the heights of Fordham was kept up on the sixteenth till about noon. Of three separate attacks, the most difficult was made by Knyphausen with nearly four thousand five hundred men. The brigade on the right nearest the Hudson was led by Rall; another, with Knyphausen, marched nearer the road toward the gorge, officers, like the men, on foot. The high and steep and thickly wooded land was defended by felled trees and three or four cannon. The assailants, thinned by the American rifles, drew themselves up over rocks by grasping at trees and bushes. Excited by the obstinacy of the contest, Rall cried out: "Forward, my grenadiers, every man of you." All who had escaped the fire shouted "Hurrah!" and pushed forward without firing, till Hessians and Americans were mixed together. The other German column was embarrassed by still closer thickets and a

steeper hillside; but Knyphausen, tearing down fences with his own hand, and exposing himself like the common soldier, was but little behind Rall.

For the second attack a brigade under Lord Cornwallis embarked in flat-bottomed boats at King's Bridge on the stream, which is there very narrow; the fire of musketry on the two foremost battalions was so heavy that the sailors slunk down in the boats, leaving it to the soldiers to handle the oars. When they had all landed, they climbed "the very steep, uneven" Laurel Hill from the north, and stormed the American battery. Baxter fell while encouraging his men.

To the south, the division under Percy moved from what is now the One Hundred and Twenty-fifth street; but, after gaining the heights, Percy sheltered his greatly superior force behind a grove, sent word to Howe that he had carried an advanced work, and for the next hour and a half remained idle. Howe ordered three regiments, under Colonel Sterling, to land in the rear of Cadwalader's lines; Cadwalader, from his very scanty force, detached one hundred and fifty men to oppose more than five times that number. Sterling and the Highlanders, who led the way in boats, were fired upon while on the water, and, after landing under cover of a heavy cannonade from Fordham Heights, they encountered a gallant resistance as they struggled up the steep pass. Gaining the heights, and followed by two other regiments, they began to press forward across the island. To prevent being caught between two fires, Cadwalader had no choice but to retreat by a road near the Hudson to Fort Washington.

While this was going on, the Hessians at the north, clambering over felled trees and surmounting rocky heights, gained on the Americans, who in number were but as one to four or five. Rawlings and Otho Williams were wounded; the arms of the riflemen grew foul from use; as they retired, Rall with his brigade pushed upward and onward, and, when within a hundred paces of the fort, sent a captain of grenadiers with summons to the garrison to surrender as prisoners of war, all retaining their baggage, and the officers their swords. Magaw, to whom it was referred, asked five hours for consultation, but obtained only a half-hour. From necessity he surren-

dered the place to Knyphausen. The honors of the day belonged to the Hessians and the Highlanders; Rall and Sterling were distinguished in general orders; the fort took Knyphausen's name.

The killed and wounded of the German troops alone were more than three hundred and fifty, with those of the British, more than five hundred. The Americans lost in the field not above one hundred and forty-nine; but they gave up valuable artillery and some of their best arms, and the captives exceeded two thousand six hundred, of whom one half were well-trained soldiers. Greene, to whose rashness the disaster was due, would never assume his share of responsibility for it. The grief of Washington was sharpened by self-reproach for not having instantly, on his return from the inspection of the Highlands, countermanded the orders of the general officer of the post; but he never excused himself before the world by throwing the blame on another; he never suffered his opinion of Greene to be confused; and he interpreted his orders to that officer as having given the largest discretion which their language could be strained to warrant.

CHAPTER VI.

WASHINGTON'S RETREAT THROUGH THE JERSEYS.

NOVEMBER 17–DECEMBER 13, 1776.

EARL CORNWALLIS took the command in New Jersey. His first object was Fort Lee, which lay on the narrow ridge between the Hudson and Hackensack rivers. Drop after drop of sorrow was fast falling into the cup of Washington. On the seventeenth of November he gave orders to Lee with his division to join him, but the orders were wilfully slighted. In the following weeks they were repeated constantly, mixed with reasoning and entreaty, and were always disobeyed with stolid and impertinent evasions. Congress at last granted the states liberty to enlist men for the war, or for three years; and, after their own delay had destroyed every hope of good results from the experiment, they forwarded to Washington blank commissions which he might fill up.

In the night of the nineteenth two battalions of Hessian grenadiers, two companies of yagers, and the eight battalions of the English reserve, at least five thousand men, marched up the east side of the Hudson, and the next morning, about daybreak, crossed with their artillery to Closter landing, five miles above Fort Lee. Greene had placed on the post neither guard nor watch, being certain in his own mind that the British would not make their attack by that way; so that the nimble seamen were unmolested as they dragged the cannon for near half a mile up the narrow, steep, rocky road, to the top of the palisades. Receiving a report of the near approach of the enemy, Greene sent an express to the commander-in-chief, and, having ordered his troops under arms, took to flight with

more than two thousand men, leaving blankets and baggage, except what his few wagons could bear away, a large amount of provisions, camp-kettles on the fire, above four hundred tents standing, and all his cannon except two twelve-pounders, but no military stores.* With his utmost speed he barely escaped being cut off; but Washington, first ordering Grayson, his aide-de-camp, to renew the summons for Lee to cross the river, gained the bridge over the Hackensack by a rapid march, and covered the retreat of the garrison, so that less than ninety stragglers were taken prisoners. The main body of those who escaped were without tents, or blankets, or camp utensils, but such as they could pick up as they went along.

To prevent being hemmed in on the narrow peninsula between the Hackensack and Passaic rivers, which meet in Newark bay, orders were given on the twenty-first for moving beyond the Passaic. The governor of New Jersey was reminded that the enlistment of the flying camp belonging to that state, Pennsylvania, and Maryland was near expiring, so that the enemy could be stopped only by the immediate uprising of the militia. At Newark, where Washington arrived on the night of the twenty-second, he maintained himself for five days, devising means to cover the country, and awaiting the continental force under Lee and volunteers of New Jersey.

On the twenty-third he sent Reed, who was a native of New Jersey, to the legislature of that state then at Burlington, and Mifflin to congress. Reed, who had been charged to convey to the New Jersey government "a perfect idea of the critical situation of affairs, the movements of the enemy, and the absolute necessity of further and immediate exertions," shrinking from further duty, returned his commission to the president of congress; but a cold rebuke from Washington drove him, at the end of four days, to retract his resignation, though he could not overcome his reluctance at "following the wretched remains of a broken army." †

Congress called on the associators in Philadelphia and the nearest four counties to join the army, if but for six months;

* Greene to Governor Cooke, 21 December 1776, in Force, iii., 1242, 1243.

† A Reply to General J. Reed's Remarks, 10, 13, 21.

begged blankets and woollen stockings for the soldiers; and wrote North and South for troops and stores. The state of Pennsylvania was paralyzed by disputes about its new constitution; but Mifflin successfully addressed the old committee of safety and the new assembly; he reviewed and encouraged the city militia; with Rittenhouse in the chair, and the general assembly and council of safety in attendance, he spoke to the people of Philadelphia in town-meeting with fervor, and was answered by acclamations. All this while the British officers were writing home from New York: "Lord Cornwallis is carrying all before him in the Jerseys; peace must soon be the consequence of our success." On the twenty-eighth the advanced guard of Cornwallis reached Newark, just as it was left by the rear of the Americans.

At Brunswick, where the American army arrived on the evening of the twenty-eighth, it found short repose. Lee, though importuned daily, and sometimes twice a day, lingered on the east of the Hudson; Pennsylvania had no government; the efforts of congress were ineffective; and the appeal of the governor of New Jersey to its several colonels of militia could not bring into the field one full company. All this while Washington was forced to hide his weakness and bear loads of censure from false estimates of his strength. To expressions of sympathy from William Livingston he answered: "I will not despair." As he wrote these words, on the last day of November, he was parting with the New Jersey and Maryland brigades, which formed nearly half his force and claimed their discharge now that their engagement expired; while the brothers, Lord and Sir William Howe, were publishing a new proclamation of pardon and amnesty to all who within sixty days would promise not to take up arms against the king. The legislature of New Jersey did all it could; but the second officer of the Monmouth battalion refused "taking the oaths to the state;" Charles Read, its colonel, "submitted to the enemy;" the chief justice wavered; and Samuel Tucker, president of its constituent convention, chairman of its committee of safety, treasurer, and judge of its supreme court, signed the pledge of fidelity to the British. From Philadelphia, Joseph Galloway went over to Howe; so did Andrew Allen, who

had been a member of the continental congress, and two of his brothers—all confident of being soon restored to their former fortunes and political importance. Even John Dickinson for two or three months longer refused to accept * from Delaware an appointment to the congress of the United States. The convention of Maryland on the tenth of November † authorized its delegates to concur in the decisions of the majority of congress.

On the other hand, Schuyler detached from the northern army to Washington's aid seven continental regiments of New England, who owed service to the end of the year. Wayne, the commander at Ticonderoga, burned to go "to the assistance of poor Washington." Trumbull of Connecticut said for its people and for himself: "We are determined to maintain our cause to the last extremity."

The fate of America was trembling in the scale, when the Howes rashly divided their forces. Two English and two Hessian brigades, under the command of Clinton, assisted by Earl Percy and Prescott, passed through the sound in seventy transports, and, on the seventh of December, were convoyed into the harbor of Newport by eleven ships-of-war. The island of Rhode Island could offer no resistance; and for its useless occupation a large number of troops were kept unemployed all the next three years.

On the first of December, just as Washington was leaving Brunswick, he renewed his urgency with Lee: "The enemy mean to push for Philadelphia. I must entreat you to hasten your march, or your arrival may be too late." On the evening of that day Cornwallis entered Brunswick. Washington, as he retreated, broke down a part of the bridge over the Raritan, and a sharp cannonade took place across the river, in which it is remembered that an American battery was commanded by Alexander Hamilton. With but three thousand men, he marched by night to Princeton. Leaving Stirling and twelve hundred men at that place to watch the motions of the enemy, he went with the rest to Trenton, where he found time

* Cæsar Rodney to Thomas Rodney, 23 December 1776. Force, Fifth Series, iii., 1370. John Dickinson to George Read, 20 and 22 January 1777. Robert Morris to John Jay, 12 January 1777. MSS. † Force, Fifth Series, iii., 179.

to counsel congress how to provide resources for the campaign of the next year. Having transferred his baggage and stores beyond the Delaware, he faced about with such troops as were fit for service. But, on the sixth, Cornwallis was joined by Howe and nearly a full brigade of fresh troops. Washington, on his way to Princeton, met the detachment of Stirling retreating before a vastly superior force; he therefore returned with his army to Trenton, and crossed the Delaware. Who shall say what might have happened if Howe had pushed forward four thousand men in pursuit? But, resting seventeen hours at Princeton, and, on the eighth, taking seven hours to march twelve miles, he arrived at Trenton just in time to see the last of the patriots safely pass the river. His army could not follow, for Washington had destroyed or secured every boat on the Delaware and its tributaries for seventy miles.

Philadelphia was in danger. Congress published an appeal to the people, especially of Pennsylvania and the adjacent states, giving assurance of aid from foreign powers. Washington with all his general officers entreated Lee to march and join him with all possible expedition, adding: "Do come on; your arrival without delay may be the means of preserving a city." Late at night arrived an evasive answer.

Lee was impatient to gain the chief command. From the east side of the Hudson he wrote to Rush: "Let me talk vainly; I could do you much good, might I but dictate one week. Did none of the congress ever read the Roman history?" The day after the loss of Fort Lee he received one explicit order, and another peremptory one, to pass into New Jersey. To Bowdoin, who was then at the head of the government of Massachusetts, he described these orders as "absolute insanity."

Of other more elaborate instructions he sent garbled extracts to Bowdoin with the message: "In so important a crisis, even the resolves of the congress must no longer nicely weigh with us. We must save the community, in spite of the legis lature. There are times when we must commit treason against the laws of the state for the salvation of the state. The present crisis demands this brave, virtuous kind of treason." A letter to Lee from Reed, who was himself irresolute and de-

sponding, ran thus: "You have decision, a quality often wanted in minds otherwise valuable. Oh, General, an indecisive mind is one of the greatest misfortunes that can befall an army; how often have I lamented it this campaign!" Lee greedily inhaled the flattery of the man who professed to be the friend of Washington, and on the twenty-fourth wrote back: "My dear Reed, I lament with you that fatal indecision of mind which in war is a much greater disqualification than stupidity, or even want of personal courage." Before the end of the month this answer, having outwardly the form of an official despatch, fell under the eye of Washington.

On the second and third of December the division of Lee passed over the Hudson; but not to join Washington: he claimed to be "a general detached to make an important diversion," and he was bent on making his detachment larger than that of the commander-in-chief. He demanded of Heath in the Highlands the transfer of his best regiments, having first said to him: "I will and must be obeyed;" but the honest officer refused, producing his instructions. At Haverstraw, on the fourth of December, he intercepted and incorporated into his own division the three thousand men whom Schuyler had sent from the northern army to the relief of Washington. From Pompton, on the seventh, he despatched a French officer of no merit and ignorant of English to command the troops collected for the defence of Rhode Island; and in a letter to the governor of that state he sneered at Washington as destitute of the qualities which "alone constitute a general." From Morristown he announced to Richard Henry Lee and Rush, the committee of congress, that it was not his intention "to join the army with Washington." From Chatham he hurried off orders to Heath to send him three regiments just arrived from Ticonderoga, without loss of time, saying: "I am in hopes here to reconquer the Jerseys."

On the twelfth his division marched with Sullivan eight miles only to Vealtown; but Lee, with a small guard, proceeded three or four miles nearer the enemy, who were but eighteen miles off, and passed the night at White's tavern at Baskingridge. The next morning he lay in bed till eight o'clock. On rising, he wasted two hours with Wilkinson, a messenger

from Gates, in boasting of his own prowess, and cavilling at everything done by others. It was ten o'clock before he sat down to breakfast, after which he took time, in a letter to Gates, to indulge his spleen toward Washington, beginning in this wise: "My dear Gates—*Entre nous*, a certain great man is most damnably deficient." The paper, which he signed, was not yet folded, when Wilkinson, at the window, cried out: "Here are the British cavalry!"

The young Lieutenant-Colonel Harcourt, the commander of a scouting party of thirty dragoons, learning Lee's foolhardy choice of lodgings, surrounded the house by a sudden charge, and called out to him to come forth immediately, or the house would be set on fire. Within two minutes, he came out, pale from fear, unarmed, bare-headed, without cloak, in slippers and blanket-coat, his collar open, his shirt much soiled, and entreated the dragoons to spare his life. They seized him just as he was, and set him on Wilkinson's horse which stood saddled at the door. One of his aids, who came out with him, was mounted behind Harcourt's servant; and, just four minutes from the time of surrounding the house, they began their return. On the way Lee recovered from his panic, and ranted violently about his having for a moment obtained the supreme command, giving many signs of a mind not perfectly right. At Princeton, he demanded to be received under the November proclamation of the Howes; and, on being reminded that he might be tried as a deserter, he flew into an extravagant rage, and railed at the faithlessness of the Americans as the cause of his mishap. Yet they retained trust in him; and even Greene still thought him "a most consummate general."

No hope remained to the United States but in Washington. His retreat of ninety miles through the Jerseys, protracted for eighteen or nineteen days, in winter, often in sight and within cannon-shot of his enemies, his rear pulling down bridges and their van building them up, had for its purpose to effect delay till midwinter and impassable roads should offer their protection. The actors, looking back upon the crowded disasters which fell on them, hardly knew by what springs of animation they had been sustained.

CHAPTER VII.

TRENTON.

DECEMBER 11–26, 1776.

THE British posts on the eastern side of the Delaware drew near to Philadelphia; rumor reported ships-of-war in the bay; the wives and children of the inhabitants were escaping with their papers and property; and the contagion of panic broke out in congress. On the eleventh of December they called on the states to appoint, each for itself, a day of fasting and humiliation; on the twelfth, after advice from Putnam and Mifflin, they voted to adjourn to Baltimore. It is on record that Samuel Adams, whom Jefferson has described as "exceeded by no man in congress for depth of purpose, zeal, and sagacity," mastered by enthusiasm and excitement which grew with adversity, vehemently opposed a removal. His speech has not been preserved, but its purport may be read in his letters of the time: "A cause so just and interesting to mankind, I trust that my dear New England will maintain at the expense of everything dear to them in life. If this city should be surrendered, I should by no means despair. Britain will strain every nerve to subjugate America next year. Our affairs abroad wear a promising aspect, but I conjure you not to depend too much upon foreign aid. Let America exert her own strength, and He who cannot be indifferent to her righteous cause will even work miracles, if necessary, to establish her feet upon a rock."

Putnam promised in no event to burn the city which he was charged to defend to the last extremity, and would not allow any one to remain an idle spectator of the contest, "per-

sons under conscientious scruples alone excepted." But the Quakers, abhorring the new form of government, at their meeting held at Philadelphia for Pennsylvania and New Jersey, refused "in person or by other assistance to join in carrying on the war;" and with fond regret they recalled to mind "the happy constitution" under which "they and others had long enjoyed peace." The flight of congress, which took place amid the jeers of tories and the maledictions of patriots, gave a stab to public credit, and fostered a general disposition to refuse continental money. At his home near the sea, John Adams was as stout of heart as ever. Though France should hold back, though Philadelphia should fall, "I," said he, "do not doubt of ultimate success."

Confident that the American troops would melt away at the approaching expiration of their engagements, Howe, on the thirteenth, prepared to return to his winter quarters in New York, leaving Donop as acting brigadier, with two Hessian brigades, the yagers, and the forty-second Highlanders, to hold the line from Trenton to Burlington. At Princeton he refused to see Lee, who was held as a deserter from the British army, and was taken under a close guard to Brunswick and afterward to New York. Cornwallis left Grant in command in New Jersey, and was hastening to embark for England. By orders committed to Donop, the inhabitants who in bands or separately should fire upon any of the army were to be hanged upon the nearest tree without further process. All provisions which exceeded the wants of an ordinary family were to be seized alike from whig or tory. Life and property were at the mercy of foreign hirelings. The attempts to restrain the Hessians were given up, under the apology that the habit of plunder prevented desertions. A British officer reports officially: "They were led to believe, before they left Hesse-Cassel, that they were to come to America to establish their private fortunes, and they have acted with that principle."

It was the opinion of Donop that Trenton should be protected on the flanks by garrisoned redoubts; but Rall, who, as a reward for his brilliant services, through the interposition of Grant obtained the separate command of that post, with fifty yagers, twenty dragoons, and the whole of his own brigade,

would not heed the suggestion. Renewing his advice at parting, on the morning of the fourteenth Donop marched out with his brigade to find quarters chiefly at Bordentown and Blackhorse, till Burlington, which lies low, should be protected from the American row-galleys by heavy cannon. On the sixteenth it was rumored that Washington with a large force hovered on the right flank of Rall; but, in answer to Donop's reports of that day and the next, Grant wrote: "I am certain the rebels no longer have any strong corps on this side of the river; the story of Washington's crossing the Delaware at this season of the year is not to be believed." "Let them come," said Rall; "what need of intrenchments? We will at them with the bayonet." At all alarms he set troops in motion, but not from apprehension of the mouldering army of the rebels. His delight was in martial music; and for him the hautboys at the main guard could never play too long. He was constant at parade; and, to give the aspect of great importance to his command, all officers and under-officers were obliged to appear at his quarters on the relief of the sentries and of the pickets. Cannon, which should have been in position for defence, stood in front of his door, and every day were escorted through the town. He was not seen in the morning until nine, or even ten or eleven; for every night he indulged in late carousals. So passed his twelve days of command at Trenton; and they were the proudest and happiest of his life.

"No man was ever overwhelmed by greater difficulties, or had less means to extricate himself from them," than Washington; but the afflictions which tried his fortitude carried with them an inspiring virtue. We have his own assurance that in all this period of deepest gloom his hope and confidence never faltered.

On the fourteenth of December, believing that Howe was on his way to New York, he resolved, as soon as he could be joined by the troops under Lee,* "to attempt a stroke upon the forces of the enemy, which lay a good deal scattered, and to all appearance in a state of security." Meantime, he obtained exact accounts of New Jersey and its best military positions, from

* Washington to Trumbull, etc., 12 and 14 December 1776, in Force, iii., 1186 and 1215, and Washington to Gates, Force, iii., 1216.

opposite Philadelphia to the hills at Morristown. Every boat was secured far up the little streams that flow to the Delaware; and his forces, increased by fifteen hundred volunteers from Philadelphia, guarded the crossing-places from the falls at Trenton to below Bristol. He made every exertion to threaten the Hessians on both flanks by militia at Morristown on the north, and on the south at Mount Holly.

The days of waiting he employed in presenting congress with a plan for an additional number of battalions, to be raised and officered directly by the United States without the intervention of the several states, thus taking the first great step toward a real unity of government. Congress, on adjourning to Baltimore, resolved "that General Washington be possessed of full power to order and direct all things relative to the department and to the operations of the war." Washington took them at their word, and, by the pressing advice of the general officers, ordered three battalions of artillery to be immediately recruited. "The present exigency of our affairs," he pleaded in excuse, "will not admit of delay, either in the council or the field. Ten days more will put an end to the existence of this army. If, therefore, every matter that in its nature is self-evident is to be referred to congress, at the distance of a hundred and thirty or forty miles, so much time must elapse as to defeat the end in view.

"Short enlistments and a mistaken dependence upon militia have been the origin of all our misfortunes and of the great accumulation of our debt. Militia may possibly check the progress of the enemy for a little while, but in a little while the militia of those states which have been frequently called upon will not turn out at all, or do it with so much reluctance and sloth as to amount to the same thing.

"These are the men I am to depend upon ten days hence; this is the basis on which your cause must forever depend till you get a standing army sufficient of itself to oppose the enemy. If any good officers will offer to raise men upon continental pay and establishment in this quarter, I shall encourage them to do so, and regiment them when they have done it. If congress disapprove of this proceeding, they will please to signify it, as I mean it for the best. A character to lose, an

estate to forfeit, the inestimable blessings of liberty at stake, and a life devoted, must be my excuse."

On the twenty-fourth he resumed his warnings: "The obstacles which have arisen to the raising of the new army from the mode of appointing officers induce me to hope that, if congress resolve on an additional number of battalions, they will devise some other rule by which the officers, especially the field-officers, should be appointed. Many of the best have been neglected, and those of little worth and less experience put in their places or promoted over their heads."

On the same day Greene wrote, in support of the new policy: "I am far from thinking the American cause desperate, yet I conceive it to be in a critical situation. To remedy evils, the general should have power to appoint officers to enlist at large. There never was a man that might be more safely trusted, nor a time when there was a louder call." Congress had failed to raise troops by requisitions on the states; leave was now asked to recruit and organize two-and-twenty battalions for the general service under the direct authority of the union.

On the twentieth, Gates and Sullivan arrived at headquarters. Gates was followed by five hundred effective men, who were all that remained of four New England regiments; but these few were sure to be well led, for Stark of New Hampshire was their oldest officer. Sullivan brought Lee's division, with which he had crossed the Delaware at Easton.

No time was lost in preparing for the surprise of Trenton. Counting all the troops from headquarters to Bristol, including the detachments which came with Gates and Sullivan and the militia of Pennsylvania, the army was reported at no more than six thousand two hundred men, and there were in fact not so many by twelve or fourteen hundred. "Our numbers," said Washington, "are less than I had any conception of; but necessity, dire necessity, will, nay must, justify an attack." On the twenty-third he wrote for the watchword: "VICTORY OR DEATH." But the men who had been with Lee were so cast down and in want of everything that the plan could not be ripened before Christmas night.

Washington approved the detention at Morristown of six

hundred New England men from the northern army; and sent Maxwell, of New Jersey, to take command of them and the militia collected at the same place, with orders to distress the enemy, to harass them in their quarters, to cut off their convoys, and, if a detachment should move toward Trenton or the Delaware, to fall upon their rear and annoy them on their march. Griffin, with all the force he could collect at Mount Holly, was to engage the attention of the Hessians under Donop. Ewing, who lay opposite Trenton with more than five hundred men, was to cross near the town. Putnam, to whom Washington took care to send orders, was to lead over a force from Philadelphia. The most important subsidiary movement was to be made with about two thousand troops from Bristol, and of this party Gates was requested to take the lead. "If you could only stay there two or three days, I should be glad," said Washington.

The country people were supine or hostile; spies surrounded the camp. But Grant, the British commander in New Jersey, though informed of the proposed attack on Trenton, and though the negroes in the town used to jeer at the Hessians that Washington was coming, persuaded himself there would be no crossing of the river with a large force, "because the running ice would make the return desperate or impracticable." "Besides," he wrote on the twenty-first, "Washington's men have neither shoes nor stockings nor blankets, are almost naked, and dying of cold and want of food. On the Trenton side of the Delaware they have not altogether three hundred men; and these stroll in small parties under a subaltern, or at most a captain, to lie in wait for dragoons."

Just before midnight on Christmas eve, Grant again sent word to Donop: "Washington has been informed that our troops have marched into winter quarters, and that we are weak at Trenton and Princeton. I don't believe he will attempt to make an attack upon those two places; but, be assured, my information is undoubtedly true, so that I need not advise you to be upon your guard against an unexpected attack at Trenton." * Rall scoffed at the idea that Americans should dare to come against him; and Donop was so unsus-

* I found at Cassel the original letter of Grant, written in English.

pecting that, after driving away the small American force from Mount Holly, where he received a wound in the head, he remained at that post to administer the oath of allegiance to the dejected inhabitants, and to send forward a party to Cooper's creek, opposite Philadelphia.

European confidence in the success of the British was at its height. "Franklin's troops have been beaten by those of the king of England," wrote Voltaire; "alas! reason and liberty are ill received in this world." Vergennes, indeed, saw the small results of the campaign; and, in reply to rumors favorable to the rebels, Stormont would say that he left their refutation to General Howe, whose answer would be as complete a one as ever was given. At Cassel, Howe was called another Cæsar, who came and saw and conquered. In England, some believed Franklin had fled to France as a runaway for safety, others to offer terms. The repeated successes had fixed or converted "ninety-nine in one hundred." Burke never expected serious resistance from the colonies. "It is the time," said Rockingham, "to attempt in earnest a reconciliation with America." Lord North thought that Cornwallis would sweep the American army before him, and that the first operations of the coming spring would end the quarrel.

At New York, where all was mirth and jollity, Howe met the messenger who, in return for the victory on Long Island, brought him encomiums from the minister and honors from the king. The young English officers were preparing to amuse themselves by the performance of plays at the theatre for the benefit of the widows and children of sufferers by the war. The markets were well supplied, balls were given to satiety, and the dulness of evening parties was dispelled by the faro-table, where subalterns competed with their superiors and ruined themselves by play. Howe fired his sluggish nature by wine and good cheer; his mistress spent his money prodigally, but the continuance of the war promised him a great fortune. The refugees grumbled because Lord Howe would not break the law by suffering them to fit out privateers; and they envied the floods of wealth which poured in upon him from his eighth part of prize-money on captures made by his squadron. As the fighting was over, Cornwallis sent his bag-

gage on board the packet for England. The brothers gave the secretary of state under their joint hands an assurance of the conquest of all New Jersey; and every one in New York was looking out for festivals on the investiture of Sir William Howe as knight of the Bath. His flatterers wrote home that, unless there should be more tardiness in noticing his merit, the king would very soon use up all the honors of the peerage in rewarding his victories.

The day arrived for the concerted attack on the British posts along the Delaware; and complete success could come only from the exact co-operation of every part. Gates wilfully turned his back on danger, duty, and honor. He disapproved of Washington's station above Trenton: the British would secretly construct boats, pass the Delaware in his rear, and take Philadelphia; Washington ought to retire to the south of the Susquehannah. Eager to intrigue with congress at Baltimore for the chief command in the northern district, Gates, with Wilkinson, rode away from Bristol. Griffin, flying before Donop, had abandoned New Jersey; Putnam would not think of conducting an expedition across the river.

At nightfall General John Cadwalader, who was left in sole command at Bristol, marched to Dunk's ferry; it was the time of the full moon, but the clouds were thick and dark. For about an hour that remained of the ebb-tide the river was passable in boats, and Reed, who just then arrived from a visit to Philadelphia, was able to get over with his horse; but the tide, beginning to rise, threw back the ice in such heaps on the Jersey shore that, though men on foot still could cross, neither horses nor artillery could reach the land. Sending word that it was impossible to carry out their share in Washington's plan, and leaving the party who had crossed the river to return as they could, Reed sought shelter within the enemy's lines at Burlington. Meanwhile, during one of the worst nights of December, the men waited with arms in their hands for the floating ice to open a passage; and, only after the vain sufferings of many hours, returned to their camp. Cadwalader and the best men about him were confident that Washington, like themselves, must have given up the expedition. Ewing did not even make an effort to cross at Trenton;

and Moylan, who set off on horseback to overtake Washington and share the honors of the day, became persuaded that no attempt could be made in such a storm, and stopped on the road for shelter.

Superior impulses acted upon Washington and his devoted soldiers. From his wasted troops he could muster but twenty-four hundred men strong enough to be his companions; but they were veterans and patriots, chiefly of New England, Pennsylvania, and Virginia. Among his general officers were Greene and Mercer and Stirling and Sullivan; of field-officers and others, Stark of New Hampshire, Hand of Pennsylvania, Glover and Knox of Massachusetts, Webb of Connecticut, Scott and William Washington and James Monroe of Virginia, and Alexander Hamilton of New York. At three in the afternoon they began their march, each man carrying three days' provisions and forty rounds; and with eighteen field-pieces they reached Mackonkey's ferry just as twilight began. The swift and full current was hurling along masses of ice. At the water's edge the mariners of Marblehead stepped forward to man the boats. Just then a letter came from Reed, announcing that no help was to be expected from Putnam or the troops at Bristol; and Washington, at six o'clock, wrote this note to Cadwalader: "Notwithstanding the discouraging accounts I have received from Colonel Reed of what might be expected from the operations below, I am determined, as the night is favorable, to cross the river and make the attack on Trenton in the morning. If you can do nothing real, at least create as great a diversion as possible." Hardly had these words been sent when Wilkinson joined the troops "whose route he had easily traced by the blood on the snow from the feet of the men who wore broken shoes." He delivered a letter from General Gates. "From General Gates!" said Washington; "where is he?" "On his way to congress," replied Wilkinson. Washington had only given him a reluctant consent to go as far as Philadelphia.

At that hour an American patrol of twenty or thirty men, led by Captain Anderson to reconnoitre Trenton, made a sudden attack upon the post of a Hessian subaltern, and wounded five or six men. The alarm was sounded, the Hessian brigade

put under arms, and a part of Rall's regiment sent in pursuit. On their return, they reported that they could discover nothing; the attack, like those which had been made repeatedly before, was held to be of no importance. The post was strengthened; additional patrols were sent out; but every apprehension was put to rest; and Rall, till late into the night, sat by his warm fire, in his usual revels, while Washington was crossing the Delaware.

"The night," writes Thomas Rodney, "was as severe a night as ever I saw;" the frost was sharp, the current difficult to stem, the ice increasing, the wind high, and at eleven it began to snow. It was three in the morning of the twenty-sixth before the troops and cannon were all over; and another hour passed before they could be formed on the Jersey side. A violent north-east storm of wind and sleet and hail set in as they began their nine miles' march to Trenton, against an enemy in the best condition to fight. The weather was terrible for men clad as the Americans were, and the ground slipped under their feet. For a mile and a half they had to climb a steep hill, from which they descended to the road that ran for about three miles between hills and through forests of hickory, ash, and black oak. At Birmingham the force was divided; Sullivan continued near the river, and Washington passed up into the Pennington road. While Sullivan, who had the shortest route, halted to give time for the others to arrive, he reported to Washington by one of his aids that the arms of his party were wet. "Then tell your general," answered Washington, "to use the bayonet, and penetrate into the town." The return of the aide-de-camp was watched by the soldiers; and hardly had he spoken when those who had bayonets fixed them without waiting for a command.

It was now broad day. The slumber of the Hessians had been undisturbed; their patrols reported that all was quiet; and the night-watch of yagers had turned in, leaving the sentries at their seven advanced posts, to keep up the communication between their right and left wings. The storm beat violently in the faces of the Americans; the men were stiff with cold and a continuous march of fifteen miles; but now that they were near the enemy, they thought of nothing but

victory. Washington's party began the battle with an attack on the outermost picket on the Pennington road; the men with Stark, who led the van of Sullivan's party, gave three cheers, and with the bayonet rushed upon the enemy's picket near the river. A company came out of the barracks to protect the patrol; but, astonished at the fury of the charge, they all, including the yagers, fled in confusion, escaping across the Assanpink, followed by the dragoons and the party which was posted near the river bank. Washington entered the town by King and Queen streets, now named after Warren and Greene; Sullivan moved by the river-road into Second street, cutting off the way to the Assanpink bridge; and both divisions pushed forward with such equal ardor as never to suffer the Hessians to form completely. The two cannon which stood in front of Rall's quarters were from the first separated from the regiment to which they belonged. The Americans were coming into line of battle, when Rall made his appearance, received a report, rode up in front of his regiment, and cried out: "Forward, march; advance, advance," reeling in the saddle like one not yet recovered from a night's debauch. Before his own regiment could form in the street a party pushed on rapidly and dismounted its two cannon, with no injury but slight wounds to Captains William Washington and James Monroe. Under Washington's own direction, Forest's American battery of six guns was opened upon two regiments at a distance of less than three hundred yards. His position was near the front, a little to the right, a conspicuous mark for musketry; but he remained unhurt, though his horse was wounded under him. The moment for breaking through the Americans was lost by Rall, who drew back the Lossberg regiment and his own, but without artillery, into an orchard east of the town, as if intending to reach the road to Princeton by turning Washington's left. To check this movement, Hand's regiment was thrown in his front. By a quick resolve the passage might still have been forced; but the Hessians had been plundering ever since they landed in the country; and, loath to leave behind the wealth which they had amassed, they urged Rall to recover the town. In the attempt to do so, his force was driven by the impetuous charge of the Americans

farther back than before; he was himself struck by a musket-ball; and the two regiments were mixed confusedly and almost surrounded. Riding up to Washington, Baylor could now report: "Sir, the Hessians have surrendered." The Knyphausen regiment, which had been ordered to cover the flank, strove to reach the Assanpink bridge through the fields on the south-east of the town; but, losing time in extricating their two cannon from the morass, they found the bridge guarded on each side; and, after a vain attempt to ford the rivulet, they surrendered to Lord Stirling on condition of retaining their swords and their private baggage. The action, in which the Americans lost not one man, lasted thirty-five minutes. One hundred and sixty-two of the Hessians who at sunrise were in Trenton escaped, about fifty to Princeton, the rest to Bordentown; one hundred and thirty were absent on command; seventeen were killed. All the rest of Rall's command, nine hundred and forty-six in number, were taken prisoners, of whom seventy-eight were wounded. The Americans gained twelve hundred small-arms, six brass field-pieces, of which two were twelve-pounders, and all the standards of the brigade.

Congress by its committee lavished praise upon the commander-in-chief. "You pay me compliments," answered Washington, "as if the merit of that affair was due solely to me; but, I assure you, the other general officers, who assisted me in the plan and execution, have full as good a right to your encomiums as myself." The most useful of them all was Greene.

Until that hour the life of the United States flickered like a dying flame. "But the Lord of hosts heard the cries of the distressed, and sent an angel for their deliverance," wrote the præses of the Pennsylvania Lutherans. "All our hopes," said Lord George Germain, "were blasted by the unhappy affair at Trenton." That victory turned the shadow of death into the morning.

CHAPTER VIII.

ASSANPINK AND PRINCETON.

DECEMBER 26, 1776–JANUARY 1777.

AFTER snatching refreshments from the captured stores, the victorious troops, worn out by cold, rain, snow, and storm, the charge of nearly a thousand prisoners, and the want of sleep, set off again in sleet driven by a north-east wind, and, passing another terrible night at the ferry, recrossed the Delaware. But Stirling and one half of the soldiers were disabled, and two men were frozen to death.

Up to this time congress had left on their journals the suggestion that a reunion with Great Britain might be the consequence of a delay in France to declare in their favor; at Baltimore, before the victory at Trenton was known, it was voted to "assure foreign courts that the congress and people of America are determined to maintain their independence at all events." Treaties of commerce were to be offered to Prussia, to Vienna, and to Tuscany; their intervention was invoked to prevent Russian or German troops from serving against the United States, and a sketch was drawn for an offensive alliance with France and Spain against Great Britain.

The independence which the nation pledged its faith to other countries to maintain could be secured only through the army. On the twenty-sixth of December the urgent letters of Washington and Greene were read in congress, and referred to Richard Henry Lee, Wilson, and Samuel Adams; and, on the next day, "congress having maturely considered the present crisis, and having perfect reliance on the wisdom, vigor, and uprightness of General Washington," resolved that, in addition to

the eighty-eight battalions to be furnished by the separate states, he might himself, as the general of the United States, raise, organize, and officer sixteen battalions of infantry, three thousand light horsemen, three regiments of artillery, and a corps of engineers, to be enlisted indiscriminately from all the people of all the states. He was authorized to displace and appoint all officers under the rank of a brigadier-general, and to fill up all vacancies. He might take necessaries for his army at an appraised value. These extraordinary trusts were vested in him for six months. The direct exercise of central power over the country as one indivisible republic was so novel that he was said to have been appointed "dictator of America." This Germain asserted in the house of commons, and Stormont at Paris repeated to Vergennes. But congress granted only the permission to the general to enlist and organize, if he could, a national increase of his army. To the president of congress Washington thus acknowledged the grant of unusual military power: "Instead of thinking myself freed from all civil obligations by this mark of confidence, I shall constantly bear in mind that as the sword was the last resort for the preservation of our liberties, so it ought to be laid aside when those liberties are firmly established. I shall instantly set about making the most necessary reforms in the army." For the disaffected whom he received authority to arrest, he was directed to account to the states of which they were respectively citizens. Authority was given to the commissioners in France to borrow two million pounds sterling at six per cent for ten years; vigorous and speedy punishments were directed for such as should refuse to receive the continental currency; and "five millions of dollars were ordered to be emitted on the faith of the United States." Till the bills could be prepared, Washington was left without even paper money.

An hour before noon on the twenty-seventh Cadwalader at Bristol heard of Washington at Trenton, and took measures to cross into New Jersey. Hitchcock's remnant of a New England brigade could not move for want of shoes, stockings, and breeches; but these were promptly supplied from Philadelphia. Donop, on hearing of the defeat of Rall, had precipi-

tately retreated by way of Crosswicks and Allentown to Princeton, abandoning his stores and his sick and wounded at Bordentown, and leaving Burlington to be occupied by the detachment under Cadwalader.

Washington on the twenty-seventh communicated to Cadwalader his scheme for driving the enemy to the extremity of New Jersey. Intending to remain on the east side of the Delaware, he wrote urgent letters to Macdougall and Maxwell to collect troops at Morristown; for, said he, "if the militia of Jersey will lend a hand, I hope and expect to rescue their country." To Heath, who was receiving large reinforcements from New England, he sent orders to render aid by way of Hackensack. Through Lord Stirling he entreated the governor of New Jersey to convene the legislature of that state, and make the appointments of their officers according to merit. He took thought for the subsistence of the troops, which, when they should all be assembled, would form a respectable force. On the twenty-ninth, while his army, reduced nearly one half in effective numbers by fatigue in the late attack on Trenton, was again crossing the Delaware, he announced to congress his purpose "to pursue the enemy and try to beat up more of their quarters, and, in a word, in every instance, adopt such measures as the exigency of our affairs requires and our situation will justify." On the thirtieth he repaired to Trenton, and to the officer commanding at Morristown he wrote: "Be in readiness to co-operate with me." * A part of his troops and artillery, impeded by ice, did not get over till the next day, and on that day the term of enlistment of the eastern regiments came to an end. To these veterans the conditions which Pennsylvania allowed to her undisciplined volunteers were offered, if they would serve six weeks longer; and with one voice they gave their word to remain. † The paymaster was out of money, and the public credit was exhausted. Washington pledged his own fortune, as did other officers, especially

* Washington to the officer commanding at Morristown. Trenton, 30 December 1776. Sparks's Washington, iv., 253.

† Gordon, ii., 398, writes: "Near one half went off before the critical moment." This is not correct. The critical days were January 1, 2, 3, in which they all rendered the most essential service.

Stark of New Hampshire. Robert Morris had sent up a little more than five hundred dollars in hard money, to aid in procuring intelligence; again Washington appealed to him: "If it be possible, sir, to give us assistance, do it; borrow money while it can be done; we are doing it upon our private credit. Every lover of his country must strain his credit upon such an occasion. No time is to be lost."

At Quebec that last day of December was kept as a general thanksgiving for the deliverance of Canada; the Te Deum was chanted; in the evening the provincial militia gave a grand ball, and, as Carleton entered, the crowded assembly broke out into loud cheers, followed by a song in English to his praise. He drank in the strain of triumph, not dreaming that Germain had already issued orders for his disgrace.

On New Year's morning Robert Morris went from house to house in Philadelphia, rousing people from their beds to borrow money of them; and early in the day he sent Washington fifty thousand dollars, with the message: "Whatever I can do shall be done for the good of the service; if further occasional supplies of money are necessary, you may depend upon my exertions either in a public or private capacity." Washington brought with him scarcely more than six hundred trusty men, and in the choice of measures, all full of peril, he resolved to concentrate his forces at Trenton. Obedient to his call, the volunteers joined him in part on the first of January; in part, after a night-march, on the second; yet making collectively a body of less than five thousand men, of whom three fifths or more were just from their families and warm houses, ignorant of war.

On the second of January 1777, Cornwallis, leaving three regiments and a company of cavalry at Princeton, "advanced upon" the Americans with the flower of the British army, just as Washington had expected.* The air was warm and moist, the road soft, so that their march was slow. From Maidenhead, where they were delayed by skirmishers, and where one brigade under Leslie remained, they pressed forward with more than five thousand British and Hessians. At Five Mile

* Washington to congress, 5 January 1777.

Run they fell upon Hand and his riflemen, who continued to dispute every step of his progress. At Shabbakonk creek, troops secreted within the wood on the flanks of the road embarrassed them for two hours. On the hill less than a mile above Trenton they were confronted by about six hundred musketeers and two skilfully managed field-pieces, supported by a detachment under Greene. This party, when attacked by artillery, withdrew in good order.

At four in the afternoon Washington took command of the rear of the army, and, while Cornwallis sought to outflank him, detained the British until those of his own army who had passed the Assanpink gained time to plant their cannon beyond the rivulet. The enemy, as they advanced, were worried by musketry from houses and barns. Their attempt to force the bridge was repulsed. The Americans had all safely passed over; the Assanpink could not be forded without a battle, for beyond it stood the main body of the American army, silent in their ranks and already protected by batteries. Late as it was in the day, Simcoe advised at once to pass over the Assanpink to the right of "the rebels" and bring on a general action; and Sir William Erskine feared that, if it were put off, Washington might get away before morning. But the sun was nearly down; the night threatened to be foggy and dark; the British troops were worn out with skirmishes and a long march over heavy roads; the attitude of the American army was imposing. Cornwallis sent messengers in all haste for the brigade at Maidenhead, and for two of the three regiments at Princeton, and put off the fight till the next morning. The British army, sleeping by their fires, bivouacked on the hill above Trenton, while their pickets were pushed forward along the Assanpink, to watch the army of Washington. Confident in their vigilance, the general officers took their repose.

Not so Washington. From his slow retreat through the Jerseys, and his long halt in the first week of December at Trenton, he knew the by-ways leading out of the place, and the roads to Brunswick, where the baggage of the British troops was deposited. He first ascertained by an exploring party that the path to Princeton on the south side of the As-

sanpink was unguarded.* He was aware that there were but few troops at Princeton, and that Brunswick had retained but a small guard for its rich magazines. He therefore followed out the plan which had existed in germ from the time of his deciding to re-enter New Jersey, and prepared to turn the left of Cornwallis, overwhelm the party at Princeton, and push on if possible to Brunswick, or, if there were danger of pursuit, to seek the high ground on the way to Morristown. When it became dark he ordered the baggage of his army to be removed noiselessly to Burlington.†

Soon after midnight, sending word to Putnam to occupy Crosswicks, Washington "marched his army round the head of the creek into the Princeton road." ‡ The wind veered to the north-west; the weather suddenly became cold; and the by-road, lately difficult for artillery, was soon frozen hard. Guards were left to replenish the American camp-fires which flamed along the Assanpink for more than half a mile, and the drowsy British night-watch surmised nothing.

* Ewald's Beyspiele grosser Helden. Ewald, who was a man of uprightness, vigilance, and judgment, is a great authority, as he was present.

† The Narrative of Major-General St. Clair, written in 1812, must be tested by the laws of historical criticism. Washington settled his plan on the first of January 1777, and did but adhere to it on the second and third. St. Clair's Narrative was written after many years, in his extreme old age, is self-laudatory, has no voucher but its author, and contains a statement which is certainly exactly opposite to the truth. Saint-Clair's Narrative, 242, 243: "No one general officer except myself knew anything of the upper country." Now, Sullivan knew it better; as did all the officers of Lee's division, and Stark, Poor, Patterson, the New England Sargent and Gilman, and all the officers of their regiments. St. Clair's story is not supported on any one point by contemporary writers, and the contemporary writers are very numerous and careful. St. Clair professes to remember a council of war held on the evening of January second. There exists no account of any such council by any one else of the time. The council of officers known to have been summoned nearest that time was held early in the morning of the third of January at Princeton, at which council the opinion of each of the general officers was given on the point, whether to go forward to Brunswick or at once take the road that led toward Morristown. Another writer, William B. Reed's Mercer Oration, 34, 35, is out of the way in the advice he attributes to Mercer: "One course had not yet been thought of, and this was to order up the Philadelphia militia," etc. Washington had long before ordered up the Philadelphia militia, and they were at Trenton on the first of January. Sparks's Washington, iv., 258. Mistakes like this of St. Clair are very common.

‡ Cæsar Rodney to George Read, 23 January 1777. MS.

Arriving about sunrise in the south-east outskirts of Princeton, Washington and the main body of the army wheeled to the right by a back road to the colleges, while Mercer was detached toward the west, with about three hundred and fifty men, to break down the bridge over Stony brook, on the main road to Trenton. Two British regiments were already on their march to join Cornwallis; the seventeenth with three companies of horse, under Mawhood, was more than a mile in advance of the fifty-fifth, and had already passed Stony brook. On discovering in his rear a small body of Americans, apparently not larger than his own, he recrossed the rivulet, and, forming a junction with a part of the fifty-fifth and other detachments on their march, hazarded an engagement with Mercer. The parties were nearly equal in numbers; each had two pieces of artillery; but the English were fresh from undisturbed repose, while the Americans were suffering from a night-march of eighteen miles. Both parties moved toward high ground that lay north of them, on the right of the Americans. A heavy discharge from the English artillery was returned by Neil from two New Jersey field-pieces. After a short but brisk cannonade, the Americans, climbing over a fence to confront the British, were the first to use their guns; Mawhood's infantry returned the volley, and soon charged with their bayonets; the Americans, for the most part riflemen without bayonets, gave way, abandoning their cannon. Their gallant officers, loath to fly, were left in their rear, endeavoring to call back the fugitives. In this way fell Haslet, the brave colonel of the Delaware regiment; Neil, who stayed by his battery; Fleming, the gallant leader of all that remained of the first Virginia regiment; and other officers of promise; and the able General Mercer, whose horse had been disabled under him, was wounded, knocked down, and then stabbed many times with the bayonet. Just then Washington, who had turned at the sound of the cannon, came upon the ground by a movement which intercepted the main body of the British fifty-fifth regiment. The Pennsylvania militia, supported by two pieces of artillery, were the first to form their line. "With admirable coolness and address," Mawhood attempted to carry their battery; the way-worn novices began to waver; on the instant, Washing-

ton, from "his desire to animate his troops by example," rode within less than thirty yards of the British, and reined in his horse with its head toward them. Each party at the same moment gave a volley, but Washington remained untouched. Hitchcock, for whom a burning hectic made this day nearly his last, brought up his brigade; and the British, seeing Hand's riflemen beginning to turn their left, fled over fields and fences up Stony brook. The action, from the first contact with Mercer, did not last more than twenty minutes. Washington on the battle-ground took Hitchcock by the hand and thanked him for his service. Mawhood left two brass field-pieces, which, from want of horses, the Americans could not carry off. He was chased three or four miles, and many of his men were taken prisoners.

The fifty-fifth British regiment, after resisting gallantly the New England troops of Stark, Poor, Patterson, Reed, and others, retreated with the fortieth to the college; and, when pieces of artillery were brought up, escaped across the fields into a back road toward Brunswick. The British lost on that day about two hundred killed and wounded, and two hundred and thirty prisoners; the American loss was small, except of officers.

At Trenton, on the return of day, the generals were astonished at not seeing the American army; the noise of cannon at Princeton first revealed whither it was gone. In consternation for the safety of the magazines at Brunswick, Cornwallis roused his army and began a swift pursuit. His advanced party from Maidenhead reached Princeton just as the town was left by the American rear. It had been a part of Washington's plan as he left Trenton to seize Brunswick, which was eighteen miles distant; but many of his brave soldiers, such is the concurrent testimony of English and German officers as well as of Washington, were "quite barefoot, and were badly clad in other respects;" all were exhausted by the service of two days and a night, from action to action, almost without refreshment; and the army of Cornwallis was close upon their rear. So, with the advice of his officers, after breaking up the bridge at Kingston over the Millstone river, Washington made for the highlands, and halted for the night

at Somerset court-house. There, in the woods, worn-out men sank down on the frozen ground and fell asleep.

The example and the orders of Washington roused the people around him to arms. On the fifth, the day of his arrival at Morristown, a party of Waldeckers, attacked at Springfield by an equal number of the New Jersey militia under Oliver Spencer, were put to flight, losing forty-eight men, of whom thirty-nine were prisoners. On the same day, at the approach of George Clinton with troops from Peekskill, the British force at Hackensack saved their baggage by a timely flight. Newark was abandoned; Elizabethtown was surprised by Maxwell, who took much baggage and a hundred prisoners.

The eighteenth, which was the king's birthday, was chosen for investing Sir William Howe with the order of the Bath. But it was become a mockery to call him a victorious general; and both he and Germain had a foresight of failure, for which each of them was preparing to throw the blame on the other.

In New Jersey all went well. On the twentieth, General Philemon Dickinson, with about four hundred raw troops, forded the Millstone river, near Somerset court-house, and defeated a foraging party, taking a few prisoners, sheep and cattle, forty wagons, and upward of a hundred horses of the English draught breed. Washington made his head-quarters at Morristown; and there, and in the surrounding villages, his troops found shelter. The largest encampment was in Spring valley, on the southern slope of Madison Hill; the outposts extended to within three miles of Amboy; and, though there was but the phantom of an army, the British in New Jersey were confined to Brunswick, Amboy, and Paulus Hook.

Under the last proclamation of the brothers, two thousand seven hundred and three Jerseymen, besides eight hundred and fifty-one in Rhode Island, and twelve hundred and eighty-two in the rural districts and city of New York, subscribed a declaration of fidelity to the British king; on the fourteenth of January, just as the period for subscription was about to expire, Germain, who grudged every act of mercy, sent orders to the Howes not to let "the undeserving escape that punishment which is due to their crimes, and which it will be expedient to inflict for the sake of example to futurity." Eleven days

after the date of this order, Washington, the harbinger and champion of union, was in a condition to demand, by a proclamation in the name of the United States, that those who had accepted British protections "should withdraw within the enemy's lines, or take the oath of allegiance to the United States of America." To this order Clark, a member of congress from New Jersey, interposed the objection that "an oath of allegiance to the United States was absurd before confederation;" for as yet it was reserved to each state to outlaw those of its inhabitants who refused allegiance to itself. The indiscriminate rapacity of the British and Hessians, their lust, their unrestrained passion for destruction, united the people of New Jersey in courage and the love of liberty.

The result of the campaign was inauspicious for Britain. New England, except the island of Rhode Island, all central, northern, and western New York except Fort Niagara, all the country from the Delaware to Florida, were free. The invaders had acquired only the islands that touched New York harbor, and a few adjacent outposts, of which Brunswick and the hills round King's Bridge were the most remote. Whenever they passed beyond their straitened quarters they met resistance. They were wasted by incessant alarms; their forage and provisions were purchased at the price of blood.

The contemporary British historians of the war have not withheld praise from Washington's conduct and enterprise. His own army blamed nothing but the little care he took of himself while in action. Cooper of Boston bears witness that "the confidence of the people everywhere in him was beyond example." In congress, which was already distracted by selfish schemers, there were signs of impatience at his superiority, and an obstinate reluctance to own that the depressed condition of the country was due to their having refused to heed his advice. To a proposition of the nineteenth of February for giving him the nomination of general officers, John Adams objected vehemently, saying, as reported by Rush: "I am sorry to find the love of the first place prevail so very little in this house. I have been distressed to see some of our members disposed to idolize an image which their own hands have molten. I speak of the superstitious veneration which is paid

to General Washington. I honor him for his good qualities; but, in this house, I feel myself his superior. In private life I shall always acknowledge him to be mine." On the twenty-fourth of February, when they voted to Washington mere "ideal reinforcements," and then, after a debate, in which some of the New England delegates and one from New Jersey showed a willingness to insult him, they expressed their "earnest desire" that he would "not only curb and confine the enemy within their present quarters, but, by the divine blessing, totally subdue them before they could be reinforced." Well might Washington reply: "What hope can there be of my effecting so desirable a work at this time? The whole of our numbers in New Jersey fit for duty is under three thousand." The absurd paragraph was carried by a bare majority, Richard Henry Lee bringing Virginia to the side of the four eastern states, against the two Carolinas, New Jersey, and Pennsylvania.

There were not wanting members more just. "Washington is the greatest man on earth," wrote Robert Morris from Philadelphia, on the first of February. From Baltimore, William Hooper, the able representative from North Carolina, replied: "Will posterity believe the tale? When it shall be consistent with policy to give the history of that man from his first introduction into our service, how often America has been rescued from ruin by the mere strength of his genius, conduct, and courage, encountering every obstacle that want of money, men, arms, ammunition, could throw in his way, an impartial world will say with you that he is the greatest man on earth. Misfortunes are the element in which he shines; they are the groundwork on which his picture appears to the greatest advantage. He rises superior to them all; they serve as foils to his fortitude and as stimulants to bring into view those great qualities which his modesty keeps concealed. I could fill the side in his praise; but anything I can say can not equal his merits."

CHAPTER IX.

THE CONSTITUTIONS OF THE SEVERAL STATES OF AMERICA.

1776–1783.

Had the decision of the war hung on armies alone, America might not have gained the victory; but the spirit of the age assisted the young nation to own justice as older and higher than the state, and to found the rights of the citizen on the rights of man. And yet, in regenerating its institutions, it was not guided by any speculative theory. Its form of government grew naturally out of its traditions by the simple rejection of all personal hereditary authority, which in America had never had more than a representative existence. Its industrious and frugal people were accustomed to the cry of liberty and property; they harbored no dream of a community of goods; and their love of equality never degenerated into envy of the rich. No successors of the fifth-monarchy men proposed to substitute an unwritten higher law, interpreted by individual conscience, for the law of the land and the decrees of human tribunals. The people proceeded with moderation. Their large inheritance of English liberties saved them from the necessity and from the wish to uproot their old political institutions; and as, happily, the scaffold was not wet with the blood of their statesmen, there arose no desperate hatred of England, such as the Netherlands kept up for centuries against Spain. The wrongs inflicted or attempted by the British king were felt to have been avenged by independence; respect and affection remained for the parent land, from which the United States had derived trial by jury, the writ for personal liberty, the practice of representative government, and the separation

of the three great co-ordinate powers in the state. From an essentially aristocratic model America took just what suited her condition, and rejected the rest. The transition of the colonies into self-existing commonwealths was free from vindictive bitterness, and attended by no violent or wide departure from the past.

In all the states it was held that sovereignty resides in the people; that the majesty of supreme command belongs of right to their collective intelligence; that government is to be originated by their impulse, organized by their consent, and conducted by their imbodied will; that they alone possess the living energy out of which all power flows forth; that they are the sole legitimate master to name, directly or indirectly, the officers in the state, and bind them as their servants to toil only for the common good.

The American people went to the great work without misgiving. They were confident that the judgment of the sum of the individual members of the community was the safest criterion of truth in public affairs. They harbored no fear that the voice even of a wayward majority would be more capricious or more fallible than the good pleasure of an hereditary monarch; and, unappalled by the skepticism of European kings, they proceeded to extend self-government over regions which, in previous ages, had been esteemed too vast for republican rule. Of all the nations of the earth, they were conscious of having had the most varied experience in representative government, and in the application of the principles of popular power. The giant forms of absolute monarchies on their way to ruin cast over the world their fearful shadows; it was time to construct states on the basis of inherent, inalienable right. It is because England nurtured her colonies in freedom that, even in the midst of civil war, they cherished her name with affection.

Of the American statesmen who assisted to frame the new government, not one had been originally a republican. But, if the necessity of adopting purely popular institutions came upon them unexpectedly, the ages had prepared for them their plans.

The recommendations to form governments proceeded from the general congress; the work was done by the several states,

in the full enjoyment of self-direction. Each of them claimed to be of right a free, sovereign, and independent state; each bound its officers to bear to it true allegiance, and to maintain its freedom and independence. Massachusetts, which was the first state to frame a government independent of the king, deviated as little as possible from the letter of its charter; and, assuming that the place of governor was vacant from the nineteenth of July 1775, it recognised the council as the legal successor to executive power. On the first day of May 1776, in all commissions and legal processes, it substituted the name of its "government and people" for that of the king. In June 1777, its legislature assumed power to prepare a constitution; but, on a reference to the people, the act was disavowed. In September 1779, a convention, which the people themselves had specially authorized, framed a constitution. It was in a good measure the compilation of John Adams, who was guided by the English constitution, by the bill of rights of Virginia, and by the experience of Massachusetts herself; and this constitution, having been approved by the people, went into effect in 1780.

On the fifth of January 1776, New Hampshire shaped its government with the fewest possible changes from its colonial forms, like Massachusetts merging the executive power in the council. Not till June 1783 did its convention agree upon a more perfect instrument, which was approved by the people, and established on the thirty-first of the following October.

The provisional constitution of South Carolina dates from the twenty-sixth of March 1776. In March 1778, a permanent constitution was introduced by an act of the legislature.

Rhode Island enjoyed under its charter a form of government so thoroughly republican that the rejection of monarchy, in May 1776, required no change beyond a renunciation of the king's name in the style of its public acts. A disfranchisement of Catholics had stolen into its book of laws; but, so soon as it was noticed, the clause was expunged.

In like manner, Connecticut had only to substitute the people of the colony for the name of the king; this was done provisionally on the fourteenth of June 1776, and made perpetual on the tenth of the following October.

Before the end of June of the same year Virginia, sixth in the series, first in the completeness of her work, by a legislative convention without any further consultation of the people, framed and adopted a bill of rights, a declaration of independence, and a constitution.

On the second of July 1776, New Jersey perfected its new, self-created charter.

Delaware next proclaimed its bill of rights, and, on the twentieth of September 1776, the representatives in convention having been chosen by the freemen of the state for that very purpose, finished its constitution.

The Pennsylvania convention adopted its constitution on the twenty-eighth of September 1776; but the opposition of the Quakers whom it indirectly disfranchised, and of a large body of patriots, delayed its thorough organization for more than five months.

The delegates of Maryland, meeting on the fourteenth of August 1776, framed its constitution with great deliberation; it was established on the ninth of the following November.

On the eighteenth of December 1776, the constitution of North Carolina was ratified in the congress which framed it.

On the fifth of February 1777, Georgia perfected its organic law by the unanimous agreement of its convention.

Last of the thirteen came New York, whose empowered convention, on the twentieth of April 1777, established a constitution that, in humane liberality, excelled them all.

The privilege of the suffrage had been far more widely extended in the colonies than in England; by general consent, the extension of the elective franchise was postponed. The age of twenty-one was a qualification universally required So, too, was residence, except that in Virginia and South Carolina it was enough to own in the district or town a certain freehold or "lot." South Carolina required the electors to "acknowledge the being of a God, and to believe in a future state of rewards and punishments." White men alone could claim the franchise in Virginia, in South Carolina, and in Georgia; but in South Carolina a benign interpretation of the law classed the free octaroon as a white, even though descended through an unbroken line of mothers from an imported African slave; the

other ten states raised no question of color. In Pennsylvania, in New Hampshire, and partially in North Carolina, the right to vote belonged to every resident tax-payer; Georgia extended it to any white inhabitant "of any mechanic trade;" with this exception, Georgia and all the other colonies required the possession of a freehold, or of property variously valued, in Massachusetts at about two hundred dollars, in Georgia at ten pounds. Similar conditions had always existed, with the concurrence or by the act of the colonists themselves.

Maryland prescribed as its rule that votes should be given by word of mouth; Virginia and New Jersey made no change in their usage; in Rhode Island each freeman was in theory summoned to be present in the general court; he therefore gave his proxy to his representative by writing his own name on the back of his vote; all others adopted the ballot, New York at the end of the war, the other eight without delay.

The first great want common to all was a house of representatives, so near the people as to be the image of their thoughts and wishes, so numerous as to appear to every voter his direct counterpart, so frequently renewed as to insure swift responsibility. Such a body every one of them had enjoyed while connected with Britain. They now gained certainty as to the times of meeting of the assemblies, precision in the periods of election, and in some states a juster distribution of representation. In theory, the houses of legislation should everywhere have been in proportion to population; and for this end a census was to be taken at fixed times in Pennsylvania and New York; but in most of the states old inequalities were continued, and even new ones introduced. In New England, the several towns had from the first enjoyed the privilege of representation, and this custom was retained; in Virginia, the counties and boroughs in the low country secured an undue share of the members of the assembly; the planters of Maryland set a most unequal limit to the representation of the city of Baltimore. In South Carolina, Charleston was allowed for seven years to send thirty members to the assembly, and the parishes near the sea took almost a monopoly of political power; after that period representatives were to be proportioned according to the number of white inhabitants and

to the taxable property in the several districts. To the assembly was reserved the power of originating taxes. In Georgia, the delegates to the continental congress had a right to sit, debate, and vote in its house of assembly, of which they were deemed to be a part. In South Carolina the assembly was chosen for two years, everywhere else for but one.

Franklin approved the decision of the framers of the constitution of Pennsylvania to repose all legislative power in one chamber. This evil precedent was followed in Georgia. From all the experience of former republics, John Adams argued for a legislature with two branches. The Americans of that day were accustomed almost from the beginning to a double legislative body, and eleven of the thirteen states adhered to the ancient usage. The co-ordinate branch of the legislature, whether called a senate, or legislative council, or board of assistants, was less numerous than the house of representatives. In the permanent constitutions of Massachusetts and New Hampshire, the proportion of public taxes paid by a district was regarded in the assignment of its senatorial number; in New York and North Carolina, the senate was elected by a narrower constituency than the assembly. In six of the eleven states the senate was chosen annually; but the period of service in South Carolina embraced two years, in Delaware three, in New York and Virginia four, in Maryland five. To increase the dignity and fixedness of the body, Virginia and New York gave it permanence by renewing one fourth, Delaware one third, of its members annually. Maryland prescribed a double election for its senate. Once in five years the several counties, the city of Annapolis, and Baltimore town, chose, *viva voce*, their respective delegates to an electoral body, each member of which was "to have in the state real or personal property above the value of five hundred pounds current money." These electors were to elect by ballot "six out of the gentlemen residents of the eastern shore," and "nine out of the gentlemen residents of the western shore," of the Chesapeake bay; the fifteen "gentlemen" thus chosen constituted the quinquennial senate of Maryland, and themselves filled up any vacancy that might occur in their number during their term of five years.

The governor or president in the four New England states

was chosen directly by all the primary electors; in New York, by the freeholders who possessed a freehold worth not less than two hundred and fifty dollars; in Georgia, by the representatives of the people; in Pennsylvania, by the joint vote of the council and assembly, who were confined in their selection to the members of the council; in the other six states, by the joint ballot of the two branches of the legislature.

Except in Pennsylvania, a small property qualification was usually required of a representative, more of a senator, still more of a governor. New York required only that its governor should be a freeholder; Massachusetts, that his freehold should be of the value of about thirty-three hundred dollars; New Hampshire required but half as much; South Carolina, that his plantation or freehold, counting the slaves "settled" upon it, should be of the value of forty-two thousand eight hundred dollars in currency. In New York and Delaware, the governor was chosen for three years; in South Carolina, for two; in all the rest, for only one. South of New Jersey, the capacity of re-election was jealously restricted; in those states which were most republican there was no such restriction; in Massachusetts, Connecticut, and Rhode Island, a governor was often continuously re-elected.

The jealousy fostered by long conflicts with the crown led to the general refusal of a negative power to the governor. The thoughtful men who devised the constitution of New York established the principle of a conditional veto; a law might be negatived, and the veto was final, unless it should be passed again by a majority of two thirds of each of the two branches; but they unwisely confided this negative power to a council, of which the governor formed but one. Massachusetts in 1779 improved upon the precedent, and placed the conditional veto in the hands of the governor alone. In her provisional form, South Carolina clothed her executive chief with a veto power; but in the constitution of 1778 it was abrogated. In all other colonies, the governor either had no share in making laws, or only a casting vote, or at most a double vote in the least numerous of the two branches.

Nowhere had the governor power to dissolve the legislature, or either branch of it, and so appeal directly to the peo-

ple; and, on the other hand, the governor, once elected, could not be removed during his term of office except by impeachment and conviction.

In most of the states all important civil and military officers were elected by the legislature. The power intrusted to a governor, wherever it was more than a shadow, was still further restrained by an executive council, formed partly after the model of the British privy council, and partly after colonial precedents. In the few states in which the governor had the nomination of officers, particularly in Massachusetts and New Hampshire, they could be commissioned only with the consent of council. In New York, the appointing power, when the constitution did not direct otherwise, was confided to the governor and a council of four senators, elected by the assembly from the four great districts of the state; and in this body the governor had "a casting voice, but no other vote." This worst arrangement of all, so sure to promote faction and intrigue, was the fruit of the deliberate judgment of wise and disinterested patriots, in their zeal for administrative purity. Whatever sprung readily from the condition and intelligence of the people had enduring life; while artificial arrangements, like this of the council of appointment in New York, and like the senate of Maryland, though devised by earnest statesmen of careful education and great endowments, pined from their birth and soon died away.

The third great branch of government was in theory kept distinct from the other two. In Connecticut and Rhode Island some judicial powers were exercised by the governor and assistants; the other courts were constituted by the two branches of the legislature. In Massachusetts and New Hampshire the governor, with the consent of council, selected the judges; in New York, the council of appointment; but for the most part they were chosen by the legislature. In South Carolina, Massachusetts, and New Hampshire, a judge might be removed, as in England, upon the address of both houses of the legislature, and this proved a wise practical rule; in New York he must retire at the age of sixty; in New Jersey and Pennsylvania the supreme court was chosen for seven years, in Connecticut and Rhode Island for but

one; in Delaware, Maryland, Virginia, and North Carolina, the tenure of the judicial office was good behavior; in Maryland, even a conviction in a court of law was required before removal. Powers of chancery belonged to the legislature in Connecticut and Rhode Island; in South Carolina, to the lieutenant-governor and the privy council; in New Jersey, the governor and council were the court of appeals in the last resort. The courts of all the states were open, without regard to creed or race.

The constitution of Massachusetts required a system of universal public education as a vital element of the public life. As yet, the system was established nowhere else except in Connecticut. Pennsylvania aimed at no more than "to instruct youth at low prices."

How to secure discreet nominations of candidates for high office was cared for only in Connecticut. There twenty men were first selected by the vote of the people, and out of these twenty the people at a second election set apart twelve to be the governor and assistants. This method was warmly recommended by Jay to the constituent convention of New York.

The English system was an aristocracy, partly hereditary, partly elective, with a permanent executive head; the American system was in idea an elective government of the best. Some of the constitutions required the choice of persons "best qualified," or "persons of wisdom, experience, and virtue." These clauses were advisory; the suffrage was free. Timid statesmen were anxious to introduce some palpable element of permanence by the manner of constructing a council or a senate; but there was no permanence except of the people. The people, with all its greatness and all its imperfections, had perpetual succession; its waves of thought, following eternal laws, were never still, flowing now with gentle vibrations, now in a sweeping flood.

For more than two centuries the humbler Protestant sects had sent up the cry to heaven for freedom to worship God. To the panting for this freedom half the American states owed their existence, and all but one or two their increase in free population. The immense majority of the inhabitants of the thirteen colonies were Protestant dissenters; and, from end to

end of their continent, from the rivers of Maine and the hills of New Hampshire to the mountain valleys of Tennessee and the borders of Georgia, one voice called to the other, that there should be no connection of the church with the state, no establishment of any one form of religion by the civil power; that "all men have a natural and unalienable right to worship God according to the dictates of their own consciences and understandings." With this great idea the colonies had travailed for a century and a half; and now, not as revolutionary, not as destructive, but simply as giving utterance to the thought of the nation, the states stood up in succession, in the presence of one another and before God and the world, to bear their witness in favor of restoring independence to conscience and the mind.

In this first promulgation by states of the "creation-right" of mental freedom, some survivals of the old system clung round the new; but the victory was gained for the collective American people. The declaration of independence rested on "the laws of nature and of nature's God;" in the separate American constitutions, New York, the happy daughter of the ancient Netherlands, true to her lineage, did, "in the name of" her "good people, ordain, determine, and declare the free exercise of religious profession and worship, without discrimination or preference, to all mankind;" for the men of this new commonwealth felt themselves "required, by the benevolent principles of national liberty, not only to expel civil tyranny, but to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked princes have scourged mankind." Independent New York with even justice secured to the Catholic equal liberty of worship and equal civil franchises, and almost alone had no religious test for office. Henceforth no man on her soil was to suffer political disfranchisement for his creed.

The liberality of New York was wide as the world and as the human race. History must ever declare that at the moment of her assertion of liberty she placed no constitutional disqualification on the free black. Even the emancipated slave gained with freedom equality before the constitution and the law. New York placed restrictions on the suffrage and on eli-

gibility to office; but those restrictions applied alike to all. The alien before naturalization was required to renounce allegiance to foreign powers, alike ecclesiastical or civil.

The establishment of liberty of conscience, which brought with it liberty of speech and of the press, was, in the several states, the fruit not of philosophy, but of the love of Protestantism for "the open book." Had the Americans wanted faith, they could have founded nothing. Let not the philosopher hear with scorn that at least seven of their constitutions established some sort of religious test as a qualification for office. Maryland and Massachusetts required "belief in the Christian religion;" South Carolina and Georgia, in "the Protestant religion;" North Carolina, "in God, the Protestant religion, and the divine authority of the Old and of the New Testament;" Pennsylvania, "a belief in God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked," with a further acknowledging "the scriptures of the Old and New Testament to be given by divine inspiration;" Delaware, a profession of "faith in God the Father, Jesus Christ his only Son, and the Holy Ghost, one God, blessed for evermore."

These restrictions were but incidental reminiscences of ancient usages and dearly cherished creeds, not vital elements of the constitutions; and they were opposed to the bent of the American mind. Joseph Hawley of Massachusetts, having been chosen a senator at the first election under its constitution, refused to take his seat, because he would not suffer the state or any one else outside of the village church of which he was a member to inquire into his belief. Discussions ensued, chiefly on the full enfranchisement of the Catholic and of the Jew; and the disfranchisements were eliminated almost as soon as their inconvenience arrested attention. At first the Jew was eligible to office only in Rhode Island, New York, New Jersey, and Virginia; the Catholic, in those states, and in Massachusetts, Pennsylvania, Delaware, Maryland, and perhaps in Connecticut. But from the beginning the church no longer formed a part of the state; and religion, ceasing to be a servant of the government or an instrument of dominion, became a life in the soul. Public worship was voluntarily sustained.

Nowhere was persecution for religious opinion so nearly at an end as in America, and nowhere was there so religious a people.

There were not wanting those who cast a lingering look on the care of the state for public worship. The conservative convention of Maryland declared that "the legislature may in their discretion lay a general and equal tax for the support of the Christain religion, leaving to each individual the appointing the money collected from him to the support of any particular place of public worship or minister;" but the power granted was never exercised. For a time Massachusetts required of towns or religious societies "the support of public Protestant teachers of piety, religion, and morality" of their own election; but as each man chose his own religious society, the requisition had no effect in large towns. In Connecticut, the Puritan worship was still closely interwoven with the state, and had moulded the manners, habits, and faith of the people; but the complete disentanglement was gradually brought about by inevitable processes of legislation.

Where particular churches had received gifts or inheritances, their right to them was respected. In Maryland and South Carolina, the churches, lands, and property that had belonged to the church of England were secured to that church in its new form; in Virginia, where the church of England had been established as a public institution, the disposition of its glebes was assumed by the legislature; and, as all denominations had contributed to their acquisition, they came to be considered as the property of the state. Tithes were nowhere continued; and the rule prevailed that "no man could be compelled to maintain any ministry contrary to his own free will and consent." South Carolina, in her legislation on religion, attempted to separate herself from the system of the other states; she alone appointed a test for the voter, and made this declaration: "The Christian Protestant religion is hereby constituted and declared to be the established religion of this state." But the condition of society was stronger than the constitution, and this declaration proved but the shadow of a system that was vanishing. In 1778, the test oath and the partaking of the communion according to the forms of the Epis-

copal church ceased to be required as conditions for holding office.

The separation of the church and the state by the establishment of religious equality was followed by the wonderful result that it was approved of everywhere, always, and by all. The old Anglican church, which became known as the Protestant Episcopal, wished to preserve its endowments and might complain of their impairment; but it preferred ever after to take care of itself, and was glad to share in that equality which dispelled the dread of episcopal tyranny, and left it free to perfect its organization according to its own desires. The Roman Catholic eagerly accepted in America his place as an equal with Protestants, and found contentment and hope in his new relations. The rigid Presbyterians in America supported religious freedom; true to the spirit of the great English dissenter who hated all laws

> To stretch the conscience, and to bind
> The native freedom of the mind.

In Virginia, where alone there was an arduous struggle in the legislature, the presbytery of Hanover demanded the disestablishment of the Anglican church and the civil equality of every denomination; it was supported by the voices of Baptists and Quakers and all the sects that had sprung from the people; and, after a contest of eight weeks, the measure was carried, by the activity of Jefferson, in an assembly of which the majority were Protestant Episcopalians. Nor was this demand by Presbyterians for equality confined to Virginia, where they were in a minority; it was from Witherspoon of New Jersey that Madison imbibed the lesson of perfect freedom in matters of conscience. When the constitution of that state was framed by a convention composed chiefly of Presbyterians, they established perfect liberty of conscience, without the blemish of a test. Free-thinkers might have been content with toleration, but religious conviction would accept nothing less than equality. The more profound was faith, the more it scorned to admit a connection with the state; for, such a connection being inherently vicious, the state might more readily form an alliance with error than with truth, with despotism over mind than with freedom. The determination to leave truth to her

own strength, and religious worship to the conscience and voluntary act of the worshipper, was the natural outflow of religious feeling.

The constitution of Georgia declared that "estates shall not be entailed, and, when a person dies intestate, his or her estate shall be divided equally among the children." The same principle prevailed essentially in other states, in conformity to their laws and their manners. But in Virginia a system of entails, enforced with a rigor unknown in the old country, had tended to make the possession of great estates, especially to the east of the Blue Ridge, the privilege of the first-born. In England the courts of law permitted entails to be docked by fine and recovery; in 1705, Virginia prohibited all such innovations, and the tenure could be changed by nothing less than a special statute. In 1727 it was further enacted that slaves might be attached to the soil, and be entailed with it. These measures riveted a hereditary aristocracy, founded not on learning or talent or moral worth or public service, but on the possession of land and slaves. It was to perfect the republican institutions of Virginia by breaking down this aristocracy that Jefferson was summoned from the national congress to the assembly of his native state. On the twelfth of October 1776, he obtained leave to bring in a bill for the abolishment of entails; and, against the opposition of Edmund Pendleton who was no friend to innovations, all donees in tail, by the act of this first republican legislature of Virginia, were vested with the absolute dominion of the property entailed.

To complete the reform, it was necessary to change the rules of descent, so that the lands of an intestate might be divided equally among his representatives; and this was effected through a committee of which Jefferson, Pendleton, and Wythe were the active members, and which was charged with the revision of the common law, the British statutes still valid in the state, and the criminal statutes of Virginia. The new law of descent was the work of Jefferson; and the candid historian of Virginia approves the graceful symmetry of the act which abolished primogeniture, and directed property into "the channels which the head and heart of every sane man would be prone to choose."

In the low country of Virginia, and of the states next south of it, the majority of the inhabitants were bondmen of another race, except where modified by mixture. The course of legislation on their condition will be narrated elsewhere.

Provision was made for reforming the constitutions which were now established. The greatest obstacles were thrown in the way of change in Pennsylvania, where the attempt could be made only once in seven years by the election of a council of censors; the fewest in South Carolina, where the majority of a legislature expressly assumed to itself and its successors original, independent, and final constituent power.

The British parliament, in its bill of rights, had only summed up the liberties that Englishmen in the lapse of centuries had acquired; the Americans opened their career of independence by a declaration of the self-evident rights of man; and this, begun by Virginia, was repeated, with variations, in every constitution formed after independence, except that of South Carolina.

America neither separated abruptly from the past, nor clung to its decaying forms. The principles that gave life to the new institutions did not compel a sudden change of social or political relations; but they were as a light shining more and more into the darkness. In a country which enjoyed freedom of conscience, of inquiry, of speech, of the press, and of government, the universal intuition of truth promised the never-ending progress of reform.

CHAPTER X.

PREPARATIONS FOR THE CAMPAIGN OF 1777. FRANCE, HOLLAND, SPAIN, AND ENGLAND.

DECEMBER 1776–MAY 1777.

WHILE Washington was toiling without reward, a rival in Europe aspired to supersede him. The Count de Broglie, disclaiming the ambition of becoming the sovereign of the United States, insinuated his willingness to be for a period of years its William of Orange, provided he could be assured of a large grant of money before embarkation, an ample revenue, the highest military rank, the direction of foreign relations during his command, and a princely annuity for life after his return. The offer was to have been made through Kalb, the former emissary of Choiseul in the British colonies: the acknowledged poverty of the new republic scattered the great man's short-lived dream; but Kalb, though in his fifty-sixth year, affluent, and happy in his wife and children, remained true to an engagement which, in company with Lafayette, he had taken with Deane to serve as a major-general in the insurgent army. When the American commissioner told Lafayette plainly that the credit of his government was too low to furnish the volunteers a transport, "Then," said the young man, "I will purchase one myself;" and he bought and freighted the Victory, which was to carry him, the veteran Kalb, and twelve other French officers to America. During the weeks of preparation he made a visit to England. At the age of nineteen it seemed to him pardonable to be presented to the king against whom he was going to fight; but he declined the king's offer of leave to inspect the British navy yards.

On the seventh of December, Franklin reached Nantes, after a stormy passage of thirty days in the Reprisal, during which the ship had been chased by British cruisers, and had taken two British brigantines. As no notice of his mission had preceded him, the story was spread in England that he was a fugitive for safety. "I never will believe," said Edmund Burke, "that he is going to conclude a long life, which has brightened every hour it has continued, with so foul and dishonorable a flight." All Europe inferred that a man of his years and great name would not have crossed the Atlantic but in the assured hope of happy results. The sayings that fell from him at Nantes ran through Paris and France; and on his word the nation eagerly credited what it wished to find true, that not twenty successful campaigns could reduce the Americans; that they would be forever an independent state, and the natural ally of France.

The British ambassador demanded the restoration of the prizes brought in to Nantes with Franklin, arguing that no prize can be a lawful one unless made under the authority of some power, whose existence has been acknowledged by other powers, and evidenced by treaties and alliances. "You cannot expect us," replied Vergennes, "to take upon our shoulders the burden of your war; every wise nation places its chief security in its own vigilance." Stormont complained that French officers were embarking for America. "The French nation," replied Vergennes, "has a turn for adventure." The ambassador reported how little his remonstrances were heeded. To strike the nation's rival, covertly or openly, was the sentiment of nearly every Frenchman except the king. Artois, the king's second brother, avowed his good-will for the Americans, and longed for a war with England. "We shall be sure to have it," said his younger brother.

Franklin reached Paris on the twenty-first of December. His fame as a philosopher, his unfailing good-humor, the dignity and ease of his manners, the plainness of his dress, his habit of wearing his straight, thin, gray hair without powder, contrary to the fashion of that day in France, acted as a spell. The venerable impersonation of the republics of antiquity seemed to have come to accept the homage of the gay capital.

The national cry was that the cause of the "insurgents," for so they were called, and never rebels, was the cause of all mankind; that they were fighting for the liberty of France in defending their own. Some of the American constitutions, separating the state from the church and establishing freedom of worship, were translated, and read with rapture. The friends of Choiseul clamored that France should use the happy moment to take a lasting revenge on her haughty enemy.

Franklin scattered every discouragement by the hopefulness with which he spoke of the United States. Charles Fox, being in Paris, sought his intimacy. As the aged and the youthful statesmen conversed together on the subject of the war, Franklin called to mind the vain efforts of Christendom, in the days of the crusades, to gain possession of the Holy Land; and foretold that, "in like manner, while Great Britain might carry ruin and destruction into America, its best blood and its treasure would be squandered and thrown away to no manner of purpose."

In the morning of the twenty-eighth the three American commissioners waited by appointment on Vergennes. He assured them protection, received the plan of congress for a treaty with France, and spoke freely to them of the attachment of the French nation to their cause. Prizes taken under the American flag might be brought into French ports, with such precautions as would invalidate complaints from Great Britain. Of Franklin he requested a paper on the condition of America. Their future intercourse he desired might be most strictly secret, without the intervention of any third person; but, as France and Spain were in accord, the commissioners might communicate freely with the Spanish ambassador.

The Count de Aranda, then fifty-eight years old, was of the grandees of Aragon; by nature proud, impetuous, restless, and obstinate; of undisciplined temper and ungenial manners. A soldier in early life, he had been attracted to Prussia by the fame of Frederic; he admired Voltaire, Alembert, and Rousseau; and in France he was honored for his superiority to superstition. His haughty self-dependence and force of will fitted him for the service of Charles III. in driving the Jesuits from Spain. As an administrative reformer, he began too

vehemently; thwarted by the stiff formalities of officials and the jealousies of the clerical party, he withdrew from court to fill the embassy at Paris. There he soon became eager to resume active employment. Devoted to the French alliance, he longed to see France and Spain inflict a mortal blow on the power of England; but he was a daring schemer and bad calculator; and, on much of the business of Spain with France relating to America, he was not consulted. On the twenty-ninth of December 1776, and again six days later, he held secret interviews with the American commissioners. He could only promise American privateers and their prizes the security in Spanish ports which they found in those of France.

On the fifth of January the commissioners presented to Vergennes a written request for eight ships of the line, ammunition, brass field-pieces, and twenty or thirty thousand muskets. Their reasoning was addressed alike to France and Spain: "The interest of the three nations is the same; the opportunity now presents itself of securing a commerce which in time will be immense; delay may be attended with fatal consequences." At Versailles the petition was brought before the king, in the presence of Maurepas; and, on the thirteenth, Conrad Alexander Gerard, one of the ablest secretaries of Vergennes, meeting the commissioners by night, at a private house in Paris, read to them the careful answer which had received the royal sanction. The king could as yet furnish the Americans neither ships nor convoys. "Time and events must be waited for, and provision made to profit by them. The United Provinces," so the new republic was styled, "may be assured that neither France nor Spain will make them any overture that can in the least interfere with their essential interests. The commercial facilities afforded in the ports of France and Spain, and the tacit diversion of the two powers whose expensive armaments oblige England to divide her efforts, manifest the interest of the two crowns in the success of the Americans. The king will not incommode them in deriving resources from the commerce of his kingdom, confident that they will conform to the rules prescribed by the precise and rigorous meaning of existing treaties, of which the two monarchs are exact observers. Unable to enter into the

details of their supplies, he will mark to them his benevolence and good-will by destining for them secret succors which will extend their credit and their purchases."

These promises were faithfully kept. Half a million of livres was to be paid to the banker of the commissioners quarterly, the first instalment on the sixteenth. After many ostensible hindrances, the Seine, the Amphitrite, and the Mercury, laden with warlike stores by Deane and Beaumarchais, were allowed to go to sea. Of these, the first was captured by the British; the other two reached America seasonably for the summer campaign. The commissioners were further encouraged to contract with the farmers-general to furnish fifty-six thousand hogsheads of tobacco; and on this contract they received an advance of a million livres.

To France the British ministry sent courteous remonstrances; toward Holland they were overbearing. The British admiral at the leeward islands was ordered to station proper cruisers off the harbor of St. Eustatius, with directions to "their commanders to search all Dutch ships going into or out of it, and to send such of them as should have arms, ammunition, clothing, or materials for clothing on board, into some of his majesty's ports, to be detained until further orders." The king "perused, with equal surprise and indignation," the papers which proved that the principal fort on the island had returned the salute of an American brigantine, and that the governor had had "the insolence and folly" to say: "I am far from betraying any partiality between Great Britain and her North American colonies." The British ambassador at the Hague, following his instructions, demanded of their high mightinesses the disavowal of the salute and the recall of the governor: "till this satisfaction is given, they must not expect that his majesty will suffer himself to be amused by simple assurances, or that he will hesitate for an instant to take the measures that he shall think due to the interests and dignity of his crown." This language of contempt and menace incensed all Holland, especially the city of Amsterdam; and a just resentment influenced the decision of the states and of the prince of Orange. Van de Graaf, the governor, who was the first foreign official to salute the Ameri-

can flag with its thirteen stripes, was recalled; but the states returned the paper of Yorke, and the Dutch minister in London complained directly to the king of "the menacing tone of the memorial, which appeared to their high mightinesses too remote from that which is usual, and which ought to be usual, between sovereigns and independent powers." As the result, the states demanded a number of armed ships to be in readiness; and one step was taken toward involving the United Provinces in the war.

The measures sanctioned by the king of France were a war in disguise against England; but he professed to be unequivocally for peace. He never voluntarily expressed sympathy with America; and he heard the praises of Franklin with petulance. It was the public opinion of France which swayed the cabinet to assist the young republic. Beaumarchais, the author of "Figaro," with profuse offers to Maurepas of devoted service, and a wish to make his administration honored by all the peoples of the world, on the thirtieth of March besought him to overcome his own hesitation and the scruples of the king, in these words:

"Listen to me, I pray you. I fear, above all, that you underrate the empire which your age and your wisdom give you over a young prince whose politics are still in the cradle. You forget that this soul, fresh and firm as it may be, has many times been brought back from its first declared purpose. You forget that as dauphin Louis XVI. had an invincible dislike to the old magistracy, and that their recall honored the first six months of his reign. You forget that he had sworn never to be inoculated, and that eight days after the oath he had the *virus* in his arm. I shall never have a day of true happiness if your administration closes without accomplishing the three grandest objects which can make it illustrious: the abasement of the English by the union of America and France; the re-establishment of the finances; and the concession of civil existence to the Protestants of the kingdom by a law which shall blend them with all other subjects of the king. These three objects are to-day in your hands. What successes can more beautifully crown your noble career? After them there could be no death."

The disfranchisement of Protestants already began to be modified: the office of comptroller-general, of which the incumbent was required to take an oath to support the Catholic religion, was abolished; and, on the second of July, the Calvinist Necker, a rich Parisian banker, by birth a republican of Geneva, the defender of the protective system against Turgot, after a novitiate as an assistant, was created director-general of the finances, but without a seat in the cabinet. The king consented because he was told that the welfare of France required the appointment; Maurepas was pleased, for he feared no rivalry from a Protestant alien.

The king "would break out into a passion whenever he heard of help furnished to the Americans," but he could not suppress the enthusiasm of the French nation. After a stay of three weeks on the north side of the channel, Lafayette, with Kalb as his companion, travelled from Paris by way of Bordeaux to the Spanish port of Los Pasages. There he received the order of the king to give up his expedition; but, after some vacillation and a run to Bordeaux and back, he braved the order, and, on the twenty-sixth of April, embarked for America. The English lay in wait for him. To his wife he wrote while at sea: "From love to me become a good American; the welfare of America is closely bound up with the welfare of all mankind; it is about to become the safe asylum of virtue, tolerance, equality, and peaceful liberty." The queen of France applauded his heroism; public opinion extolled "his strong enthusiasm in a good cause;" the indifferent spoke of his conduct as "a brilliant folly." "The same folly," said Vergennes, "has turned the heads of our young people."

He was followed by Casimir Pulaski, a Polish nobleman, illustrious for his virtues and misfortunes. In the war for the independence of his native land he lost his father and his brothers. After his attempt to carry off the king of Poland, his property was confiscated, and he was sentenced to outlawry and death. He was living in exile at Marseilles, in the utmost destitution, under an adopted name, when, through Rulhière, the historian of Poland, Vergennes paid his debts and recommended him to Franklin, who gave him a conveyance to the

United States, and explained to congress how much he had done for the freedom of Poland. Stormont called him "an assassin," as he had called the American deputies malefactors that deserved the gallows.

In April and May, Joseph II. of Austria passed six weeks at Paris, in the hope of winning the consent of France to his inheriting Bavaria. In conversation he was either silent on American affairs, or took the side which was very unpopular in the French capital, excusing himself to the duchess of Bourbon by saying: "I am a king by trade;" nor would he permit a visit from Franklin and Deane, or even consent to meet them in his walks; though from the Abbé Niccoli, the Tuscan minister, who was a zealous abettor of the insurgents, he received a paper justifying their conduct and explaining their resources.

Ships were continually leaving the ports of France for the United States, laden with all that they most needed, and American trading-vessels were received and protected. When Stormont remonstrated, a ship bound for America would be stopped, and, if warlike stores were found on board, would be compelled to unload them; but presently the ship would take in its cargo and set sail, and the ever-renewed complaints of the English ambassador would be put aside by the quiet earnestness of Vergennes and the polished levity of Maurepas.

The Reprisal, after replenishing its stores at Nantes, still cruised off the French coast, and its five new prizes, one of which was the royal packet between Lisbon and Falmouth, were unmoored in the harbor of L'Orient. Stormont hurried to Vergennes to demand that the captive ships, with their crews and cargoes, should be delivered up. "You come too late," said Vergennes; "orders have already been sent that the American ship and her prizes must instantly put to sea." The Reprisal continued its depredations till midsummer, when it was caught by the British; but, before its capture, two other privateers were suffered to use French harbors as their base. Stormont remonstrated incessantly, and sometimes with passion; but the English ministers were engaged in a desperate effort to reduce their former colonies in one campaign, and avoided an immediate rupture. France always expressed the

purpose to conform to treaties, and England would never enumerate the treaties which she wished to be considered as still in force. Vergennes, though in the presence of Lord Stormont he incidentally called America a republic, did not as yet recognise the Americans as a belligerent power; but, viewing the colonies as a part of the British dominions, threw upon England the burden of maintaining her own municipal laws. England claimed that France should shut her harbors against American privateers; and Vergennes professed to admit them only when in distress, and to drive them forth without delay. England insisted that no arms or munitions of war should be exported to America, or to ports to which Americans could conveniently repair for a supply; Vergennes represented the Americans and their friends as escaping his vigilance. England was uneasy at the presence of American commissioners in Paris; Vergennes compared the house of a minister to a church which any one might enter, but with no certainty that his prayers would be heard. England claimed the right of search; Vergennes demurred to its exercise in mid-ocean. England seized and confiscated American property wherever found; France held that on the high seas American property laden in French ships was inviolable. England delayed its declaration of war from motives of convenience; France knew that war was imminent and prepared for it with diligence.

France preferred to act in concert with Spain, which, by its advanced position on the Atlantic, seemed destined to be the great ocean power of Europe, and which, more than any other kingdom, dreaded colonial independence. One of its own poets, using the language of imperial Rome, had foretold the discovery of the western world; its ships first entered the harbors of the New Indies, first broke into the Pacific, first went round the earth; Spanish cavaliers excelled all others as explorers of unknown realms, and, at their own cost, conquered for their sovereigns almost a hemisphere. After a long period of decline this proud and earnest people, formed out of the most cultivated races and nations—Aryan and Semitic, Iberians, Celts, Phœnicians, Romans, Vandals crossed with Slavonian blood, Germans, and Saracens, counting among its great men Seneca and Trajan, Averrhoes and the Cid, Cervantes

and Velasquez, devout even to bigotry in its land of churches, the most imaginative and poetic among the nations—was seen to be entering on a career of improvement. Rousseau contemplated its promise with extravagant hope; Alembert predicted its recovery of a high position among the powers of the world; Frederic of Prussia envied its sovereign, for the delights of its climate, and the opportunity offered to its ruler to renew its greatness.

The grandson of Louis XIV. of France, Charles III., who in 1777 held the sceptre in Spain, was the best of the Spanish Bourbons. The degeneracy of his immediate successors led Spanish historians to dwell on his memory with affection. He was of a merciful disposition, and meant well for the land he ruled; he asserted the principle of the absolute and inviolable right of a king against the pope; and in its defence he had exiled the Jesuits and demanded of the pope the abolition of their order. Yet, under the influence of his confessor, a monk of the worst type, he restored vitality to the inquisition, suffered it to publish the papal bull which granted it unlimited jurisdiction, and declared that "he would have delivered up to its tribunal his own son." He stood in need of a powerful ally; between the peoples of France and Spain there was no affection; so, in August 1761, a family compact was established between their kings. In forming this alliance, the agents of the Spanish branch were Wall, an Irish adventurer, and Grimaldi from Italy.

It seemed the dawn of better days for Spain when, in February 1777, the universal popular hatred, quickened by the shameful failure of the expedition against Algiers, drove Grimaldi from the ministry and from the country. On the eighteenth he was succeeded by Don Jose Moniño, Count de Florida Blanca. For the first time for more than twenty years Spain obtained a ministry composed wholly of Spaniards; and, for the first time since the days of Ferdinand and Isabella, a Spanish policy began to be formed.

The new minister, son of a provincial notary, had been carefully educated; following his father's profession, he became one of the ablest advocates of his day and attained administrative distinction. In March 1772, he went as am-

bassador to Rome, where by his influence Cardinal Ganganelli was elected pope, and the order of the Jesuits was abolished. He, too, controlled the choice of Ganganelli's successor. Now forty-six years old, esteemed for strong good sense and extensive information, for prudence, personal probity, and honest intentions, he was bent upon enlarging the commerce of Spain and making the kingdom respected. A devoted Catholic, he was equally "a good defender of regality;" he restrained the exorbitant claims of the church, and was no friend to the inquisition. Given to reflection, and naturally slow of decision, he was cold and excessively reserved; a man of few words, but those words were to the purpose. Feebleness of health unfitted him for indefatigable labor, and was perhaps one of the causes why he could not bear contradiction, nor even hear a discussion without fretting himself into a passion. To his intercourse with foreign powers he brought duplicity and cunning; he professed the greatest regard for the interests and welfare of France; but his heart was the heart of a Spaniard. In his manners he was awkward and ill at ease. He spoke French with difficulty. With the vanity of a man of considerable powers, who from a humble station had reached the highest under the king, he clung to office with tenacity; and, from his character and unfailing subservience, his supremacy continued to the end of the reign of Charles III.

His ablest colleague was Galvez, the minister for the Indies —that is, for the colonies. Like Florida Blanca, he had been taken from the class of advocates. A mission to Mexico had made him familiar with the business of his department, to which he brought honesty and laborious habits, a lingering prejudice in favor of commercial monopoly, and the purpose to make the Spanish colonies self-supporting both for production and defence.

Florida Blanca was met by the question of the aspect of the American revolution on the interests of Spain; and, as Arthur Lee was on his way to Madrid, as envoy of the United States, it seemed to demand an immediate solution. The king would not sanction a rebellion of subjects against their sovereign, nor, with his vast dominions in America, could he concede the right of colonies to claim independence.

Add to this, that an American alliance involved a war with England, and that Spain was unprepared for war. Equal to Great Britain in the number of her inhabitants, greatly surpassing that island in the extent of her home territory and of her colonies, she did not love to confess even to herself her inferiority in wealth and power. Her colonies brought her no opulence; the annual exports to Spanish America had thus far fallen short of four millions of dollars in value, and the imports were less than the exports. Campomanes was urging through the press the abolition of restrictions on trade; but for the time the delusion of mercantile monopoly held the ministers fast bound. As a necessary consequence, the king, for want of seamen, could have no efficient navy. The war department was in the hands of an indolent chief, so that its business devolved on O'Reilly, whose character is known to us from his career in Louisiana, and whose arrogance and harshness were revolting to the Spanish nation. The revenue of the kingdom fell short of twenty-one millions of dollars, and there was a notorious want of probity in the management of the finances. The existing strife with Portugal was very serious, for it had for its purpose the possession of both banks of the river La Plata, with the right to close that mighty stream against all the world but Spain. In such a state of its navy, army, treasury, and foreign relations, how could it make war on England?

Arthur Lee was made to wait at Burgos for Grimaldi, who was on his way to Italy. They met on the fourth of March, and conversed through an interpreter, for Lee could speak nothing but English. Grimaldi, who describes him as an obstinate man, amused him with desultory remarks and professions: the relation between France and Spain was intimate; the Americans would find at New Orleans three thousand barrels of powder and some store of clothing, which they might take on credit; Spain would perhaps send them a well-freighted ship from Bilbao; but the substance of the interview was, that Lee must return straight to Paris. "All attempts of the like kind from agents of the rebellious colonies will be equally fruitless;" so spoke Florida Blanca again and again to the British minister at Madrid: "His Catholic majesty is resolved not to interfere in any manner in the dispute concerning

the colonies;" "it is, and has been, my constant opinion that the independence of America would be the worst example to other colonies, and would make the Americans in every respect the worst neighbors that the Spanish colonies could have." The report of the French ambassador at Aranjuez is explicit: "It is the dominant wish of the Catholic king to avoid war; he longs above all things to end his days in peace."

Yet Spain was irresistibly drawn toward the alliance with France, though the conflict of motives gave to its policy an air of uncertainty and dissimulation. The boundless colonial claims of Spain had led to disputes with England for one hundred and seventy years; that is, from the time when Englishmen planted a colony in the Chesapeake bay, which Spain had discovered, and named, and marked as its own bay of St. Mary's. It was perpetually agitated by a jealousy of the good faith of British ministries; and it lived in constant dread of sudden aggression from a power with which it knew itself unable to cope alone. This instinctive fear and this mortified pride gave a value to the protecting friendship of France, and excused the wish to see the pillars of England's greatness thrown down. Besides, the occupation of Gibraltar by England made every Spaniard her enemy. To this were added the obligations of the family compact between the two crowns, of which Charles III., even while eager for a continuance of peace, respected the conditions and cherished the spirit.

Hence the Spanish court had given money to the insurgents, but only on the condition that France should be its almoner and shroud its gifts in impenetrable secrecy. It reproved the hot zeal with which Aranda counselled war; it suffered American ships, and even privateers with their prizes, to enter Spanish harbors, but assured England that everything which could justly be complained of was done in contravention of orders. Fertile in subterfuges, Florida Blanca evaded an agreement with France for an eventual war with Great Britain. His first escape from the importunity of Vergennes was by a counter proposition for the two powers to ship large reinforcements to their colonies—a proposition which Vergennes rejected, because sending an army to the murderous climate of St. Domingo would involve all the mortality and

cost of a war, with none of its benefits. Florida Blanca next advised to let Britain and America continue their struggle till both parties should be exhausted, and so should invite the interposition of France and Spain as mediators, who would then be able in the final adjustment to take good care of their respective interests. To this Vergennes replied that he knew not how the acceptance of such a mediation could be brought about; and in July he unreservedly fixed upon January or February, 1778, as the epoch when the two crowns must engage in the war, or forever after mourn for the opportunity lost by their neglect.

To enlist captive American sailors in the British navy, threats were used. "Hang me, if you will, to the yard-arm of your ship, but do not ask me to become a traitor to my country," was the answer of Nathan Coffin; and it expressed the spirit of them all. In February, Franklin and Deane proposed to Stormont, at Paris, to exchange a hundred British seamen, taken by an American privateer, for an equal number of American prisoners in England. To this application Stormont was silent; to a more earnest remonstrance, in April, he answered: "The king's ambassador receives no applications from rebels unless they come to implore his majesty's mercy."

For land forces, the princeling of Waldeck collected for the British service twenty men from his own territory and its neighborhood, twenty-three from Suabia, near fifty elsewhere, in all eighty-nine; and, to prevent their desertion, locked them up in the Hanoverian fortress of Hameln. The hereditary prince of Cassel had a troublesome competitor in his own father, whose agents were busy in the environs of Hanau; nevertheless, he furnished ninety-one recruits, and four hundred and sixty-eight additional yagers, which was fifty-six more than he had bargained for.

In the course of the year, by impressment at home and theft of foreigners, the landgrave of Hesse-Cassel furnished fourteen hundred and forty-nine more. This number barely made good the losses in the campaign and at Trenton; a putrid epidemic, which at the end of the winter broke out among the Hessian grenadiers at Brunswick, in eight weeks swept away

more than three hundred of the ablest men, and their places were not supplied.

Of the men whom the duke of Brunswick offered, Faucitt writes: "I hardly remember to have ever seen such a parcel of miserable, ill-looking fellows collected together." Only two hundred and twenty-two of them were accepted.

To clear himself from debts bequeathed him by his ancestors, the margrave of Brandenburg-Anspach, on moderate terms, furnished two regiments of twelve hundred men, beside a company of eighty-five yagers, all of the best quality, and kept his engagement with exceptional scrupulousness.

In the former year a passage had everywhere been allowed to the subsidized troops. The enlightened mind of Germany, its philosophers, its poets, began to revolt at the hiring of its sons for armies waging war against the rights of man; the universal feeling of its common people was a perpetual persuasion against enlistments, and an incentive to desertion. Throughout Germany "the news of the capture of German troops by Washington in 1776 excited a universal jubilee." * The subsidized princes forced into the service not merely vagabonds and loose fellows of all kinds, but any unprotected traveller or hind on whom they could lay their hands. The British agents became sensitive to the stories that were told of them. The rulers of the larger states felt the dignity of the empire insulted. Frederic of Prussia showed his disgust as openly as possible. The court of Vienna concerted with the elector of Mentz and the elector of Treves "to throw a slur" on the system. At Mentz, the yagers of Hanau who came first down the Rhine were stopped, and eight of them rescued by the elector's order as his subjects or soldiers. From the troops of the landgrave of Hesse eighteen were removed by the commissaries of the ecclesiastical prince of Treves. At Coblentz, Metternich, the active young representative of the court of Vienna, in the name of Maria Theresa and Joseph II., reclaimed their subjects and deserters.

The regiments of Anspach could not be trusted to carry ammunition or arms, but were driven by a company of yagers well provided with both, and ready to nip a mutiny in the

* Niebuhr's Geschichte des Zeitalters der Revolution, i., 75 and 76.

bud. Yet eighteen or twenty succeeded in deserting. When the rest reached their place of embarkation at Ochsenfurt on the Main, the regiment of Bayreuth began to hide themselves in some vineyards. The yagers, who were picked marksmen, were ordered to fire among them, by which some of them were killed. They avenged themselves by putting a yager to death. The margrave of Anspach, summoned by express, rode to the scene in the greatest haste, leaving his watch on his table, and without a shirt to change. The presence of their "land's father" overawed them; they acknowledged their fault, and submitted to his reprimands. Four of them he threw into irons, and ordered all to the boats. Assuming in person the office of driver, he marched them through Mentz in defiance of the elector, administered the oath of fidelity to the king of England at Nymwegen, and never left his post till, at the end of March, in the presence of Sir Joseph Yorke, he in person delivered at S'cravendell his children, whose service he had sold. There "the margrave brought the men on board himself, went through the ships with them, marked their beds, gave out every order which was recommended to him, and saw it executed, with but little assistance, indeed, from his own officers." The number of recruits and reinforcements obtained in these ways amounted to no more than thirty-five hundred and ninety-six.

Three thousand men had been expected from the duke of Würtemberg, who had been in England in search of a contract. "But the inability of the duke to supply any troops was soon discovered, and the idea, though not without great disappointment, laid aside." The "Catholic princes of the empire discouraged the service." The young profligate, who was prince of Anhalt-Zerbst, alone caught at the overture, which found him engaged with three other princes of his family on a hunting expedition. They had billeted six hundred dogs upon the citizens of Dessau; entranced by the occasion, he wrote in strange French: "At the first crack of the huntsman's whip or note of his hunting-horn, the dogs came together like troops at the beat of the drum, and they began to run down the beasts of the forest; it would not be bad if we could run down the Americans like that." He did not know that

the wild huntsman of revolution was soon to wind his bugle, and run down these princely dealers in men.

In narrating these events, I have followed exclusively the letters and papers of the princes and ministers who took part in the transactions. They prove the law, which all induction confirms, that the transmission of uncontrolled power, visiting the sins of the fathers upon the children, inevitably develops corruptness and depravity. The despotism of man over man brings a curse on whatever family receives it.

The new German levies, except the Brunswick and Hanau recruits and four companies of Hanau yagers which went to Quebec, were used to reinforce the army under Howe. From Great Britain and Ireland, the number of men who sailed for New York before the end of the year was three thousand two hundred and fifty-two; for Canada, was seven hundred and twenty-six.

In America recruiting stations for the British army were established. In a few months Delancey of New York enlisted about six hundred, and Cortland Skinner of New Jersey more than five hundred men. In the course of the winter commissions were issued for imbodying six thousand five hundred men in thirteen battalions; and before the end of May more than half that number was obtained; but only a small proportion of them were natives of America. The service of two thousand French Canadians was called for and expected.

The deficiency was to be supplied by the employment of the largest possible number of savages, for which Germain issued his instructions with almost ludicrous minuteness of detail; and "the king, after considering every information that could be furnished, gave particular directions for every part of the disposition of the forces in Canada." It was their hope to employ bands of wild warriors along all the frontier. The king's peremptory orders were sent to the north-west to "extend operations;" and among those whose "inclination for hostilities" was no more to be restrained were enumerated "the Ottawas, the Chippeways, the Wyandots, the Shawnees, the Senecas, the Delawares, and the Pottawatomies." Joseph Brant, the Mohawk, roused his countrymen to clamor for war under leaders of their own, who would indulge them in their

excesses and take them wherever they wished to go. Humane British and German officers in Canada foresaw that their cruelty would be unrestrained, and from such allies augured no good to the service.* But the policy of Germain was unexpectedly promoted by the release of La Corne Saint-Luc, the most ruthless of partisans, now in his sixty-sixth year, but full of vigor and more relentless from age. He had vowed eternal vengeance on "the beggars" who had kept him captive; and Germain extended favor to the leader who above all others was notorious for brutal inhumanity.†

Relying on Indian mercenaries to break up the communication between Albany and Lake George by the terror of their raids, the secretary drew out the plan of the northern campaign in concert with Burgoyne, who was seeking his "patronage and friendship" by assurances of "a solid respect and sincere personal attachment." Neither of them would admit a doubt of the triumphant march of the army from Canada to Albany. To extend the success through all New York, Saint-Leger was selected by the king to conduct an expedition by way of Lake Ontario for the capture of Fort Stanwix and the Mohawk valley; and orders were given to rally at Niagara the thousand savages who were to be of the party. These preparations, Germain assured the house of commons, would be sufficient to finish the war in the approaching campaign.

Parliament in February authorized the grant of letters to private ships to make prizes of American vessels; and, by an act which described American privateersmen as pirates, suspended the writ of habeas corpus with regard to prisoners taken on the high seas. The congress of the United States, after talking of a lottery and a loan in Europe, fell back upon issues of paper money. Lord North found ample resources in new taxes, exchequer bills, and excise duties, a profitable lottery, a floating debt of five millions sterling, and a loan of five millions more. In a sermon before the Society for Propagating the Gospel, Markham, the archbishop of York, not doubting the conquest of the colonies, reflected on their "ideas of savage liberty," and recommended a reconstruction

* Riedesel's journal, written for the duke of Brunswick. MS.

† Tryon to Germain, 8 May 1777.

of their governments on the principle of complete subordination to Great Britain. "These," cried Chatham, "are the doctrines of Atterbury and Sacheverell." They were the doctrines of James II., and yet they were adopted by Thurlow, as the fit rule for governing British colonies in America.

Some voices in England pleaded for the Americans. The war with them, so wrote Edmund Burke to the sheriffs of Bristol, is "fruitless, hopeless, and unnatural;" the earl of Abingdon added, "on the part of Great Britain, cruel and unjust." "Our force," replied Fox to Lord North, "is not equal to conquest; and America cannot be brought over by fair means while we insist on taxing her." Burke harbored a wish to cross the channel and seek an interview with Franklin; but the friends of Rockingham refused their approval. Near the end of April, Hartley went to Paris to speak with Franklin of peace and reunion, and received for answer that England could never conciliate the Americans but by conceding their independence. "We are the aggressors," said Chatham, on the thirtieth of May, in the house of lords; "instead of exacting unconditional submission from the colonies, we ought to grant them unconditional redress. Now is the crisis, before France is a party. Whenever France or Spain enter into a treaty of any sort with America, Great Britain must immediately declare war against them, even if we have but five ships of the line in our ports; and such a treaty must and will shortly take place, if pacification be delayed."

The advice of Chatham was rejected by the vote of nearly four fifths of the house; but, with all her resources, England labored under insuperable disadvantages. She had involved herself in a violation of the essential principle of English liberty; her chief minister wronged his own convictions in continuing the war; and it began to be apparent that France would join with America.

CHAPTER XI.

THE OPENING OF THE CAMPAIGN OF 1777.

March–July 1777.

General Charles Lee, for whom congress and Washington offered six Hessian field-officers in exchange, and threatened retaliation if he were to be treated as a deserter, assured his captors that the colonies declared independence against his advice, and volunteered to negotiate their return to their old allegiance. With the sanction of the Howes, on the tenth of February he wrote to congress requesting that two or three gentlemen might be sent to him immediately to receive his communication; and in private letters he conjured Rush, Robert Morris, and Richard Henry Lee "to urge the compliance with his request as of the last importance to himself and to the public." Congress promptly resolved that "it was altogether improper to send any of their body to communicate with him."

On the eleventh of March, during a fruitless interview of nine hours on the subject of the exchange of prisoners, Walcott, of the British army, speaking under instructions from Howe, took occasion to say to Harrison, the American: "What should prevent General Washington, who seems to have the power in his hands, from making peace between the two countries?" Harrison replied: "The commissioners have no other powers than what they derive under the act of parliament by which they are appointed." "Oh," rejoined Walcott, "the minister has said, in the house of commons, he is willing to place the Americans as they were in 1763: suppose Washington should propose this, renouncing independence which would be your

ruin?" "Why do you refuse to treat with congress?" asked Harrison. "Because," answered Walcott, "it is unknown as a legal assembly to both countries. But it would be worth Washington's while to try to restore peace." Without hesitation, Harrison put aside the overture.*

Eight days after this rebuff, Lee once more conjured congress to send two or three gentlemen to converse with him on subjects "of great importance, not only to himself, but to the community he so sincerely loved." On the twenty-ninth, congress "still judged it improper to send any of their members to confer with General Lee." The vote fell upon the day on which Lee presented to the British commanders a plan for reducing the Americans, saying: "I think myself bound in conscience to furnish all the lights I can to Lord and General Howe." † To Washington he wrote in terms of affection, and asked commiseration for one whom congress had wronged. Just at this time Sir Joseph Yorke, who understood Lee well, assured the British ministry that his capture was to be regretted; "that it was impossible but he must puzzle everything he meddled in; that he was the worst present the Americans could receive." ‡ As a consequence, leave was given by the king for his exchange, and he received through British officers eleven hundred guineas.

While the Howes were aiming at reconciliation by an amnesty, Germain gave them this new instruction: "At the expiration of the period limited in your proclamation, it will be incumbent upon you to use the powers with which you are intrusted in such a manner that those persons who shall have shown themselves undeserving of the royal mercy may not escape that punishment which is due to their crimes, and which it will be expedient to inflict for the sake of example to futurity." General Howe was not sanguinary, though, from his indolence and neglect, merciless cruelties were inflicted by his subordinates; Lord Howe had accepted office from real goodwill to America and England; and, on the twenty-fifth of March, the brothers answered: "Are we required to withhold

* Walcott's report to Howe. MS.

† The Treason of Charles Lee, by George H. Moore.

‡ Yorke to the secretary of state, 7 March 1777. MS.

his majesty's general pardon, even though the withholding of such general pardon should prevent a speedy termination of the war?"

Howe had requested a reinforcement of fifteen thousand men, in order to "finish the war in one year." For the conquest of a continent the demand was certainly moderate; but Germain, conforming his judgment to the letters of spies and tale-bearers, or, as he called them, "of persons well informed on the spot," professed to think "that such a requisition ought not to be complied with. Promising but four thousand Germans, a larger number than was obtained, he insisted that Howe "would have an army of very nearly thirty-five thousand rank and file, so that it would still be equal to his wishes." The disingenuous statement foreshadowed a disposition to cast upon him all blame for any untoward events in the next campaign.

It was an enormous fault of the British government to require the main body of the reinforcements destined for the army of General Howe to traverse more than two hundred leagues of a region replete with difficulties, and almost desert. The scheme originated with Carleton, the governor of Quebec, who, as he outranked Howe, nursed the ambition of leading ten thousand men victoriously into the United States, and on his arrival assuming the supreme direction of the war. The project appeared magnificent to the cabinet at London, and was persisted in through the fascinating promises of Burgoyne. General Howe, justly indignant, took counsel with his brother, and, on the second of April, despatched to the secretary the final revision of his plan for the campaign: "The offensive army will be too weak for rapid success. The campaign will not commence so soon as your lordship may expect. Restricted by the want of forces, my hopes of terminating the war this year are vanished." Relinquishing a principal part of what he had formerly proposed, he announced his determination to evacuate the Jerseys and invade Pennsylvania from the sea. He further made known, alike to Carleton and to the secretary, that the army which was to advance from Canada would meet "with little assistance from him." Early in the year a British brigade and several companies of grenadiers and light infantry were transferred from Rhode Island to Amboy.

In the middle of March, Washington's "whole number in Jersey fit for duty was under three thousand; and these, nine hundred and eighty-one excepted, were militia, who stood engaged only till the last of the month." In New Jersey, the theatre of war, he advised that every man able to bear arms should turn out, and that no one should be allowed to buy off his service; for, said he, "every injurious distinction between the rich and the poor ought to be laid aside now." The want of arms was relieved by the arrival of ships freighted by Beaumarchais from the arsenals of France.

Congress, in appointing four more major-generals, on the pretext that Connecticut already had two of that rank, passed over Arnold, the oldest brigadier. To Washington, Arnold complained of the wound to his "nice feelings;" to Gates he wrote:

> "By heavens! I am a villain if I seek not
> A brave revenge for injured honor."

On the first of March, Alexander Hamilton joined the staff of the commander-in-chief as his secretary, and thus obtained the precious opportunity of studying the course of national affairs from the largest point of view and under the wisest guidance. On the same day six new brigadiers were appointed. Stark stood at the head of the roll of New Hampshire for promotion, was the best officer from that state, and had rendered very great service at Bunker Hill, Trenton, and Princeton; but, on the idea that he was self-willed, he was passed over. Chafing at the injustice, he retired to his freehold and his plough, where his patriotism, like the fire of the smithy when sprinkled with water, glowed more fiercely than ever.

In March, Greene was sent to Philadelphia, to explain to congress the pressing wants of the army. By his suggestion, the commander-in-chief, as well as the chief officer in every department, was permitted, but no longer required, to consult the general officers under him; and it was recognised as his duty "finally to direct every measure according to his own judgment." To raise an army, Washington saw no way so good as that of drafting adopted by Massachusetts, on an equal apportionment of its quota to each of its towns; and congress, in case voluntary enlistment should prove insuffi-

cient, "advised indiscriminate drafts from the militia of each state."

To the command of the forts in the Highlands on the Hudson George Clinton was appointed with the concurrence of New York, of congress, and of Washington. In the northern department confusion grew out of the rivalry between Schuyler and Gates. Congress, on the seventeenth of June 1776, had directed the commander-in-chief to send Major-General Gates to take the command of the American forces in Canada; but before he arrived there the American army had retired beyond its boundary. A question instantly arose whether Gates remained independent of Schuyler; congress disclaimed the "design to vest him with a superior command to Schuyler while the troops should be on this side Canada;" and they recommended harmony to both generals. Harmony between them was impossible; and other service was thought of for Gates. But in February 1777, a letter from him set forth to them his own merits, saying: "I had last year the honor to command in the second post in America, and to prevent the enemy from making their junction with General Howe." The boast was a false one; but meantime Schuyler sent to congress a querulous letter, which they voted to be "highly derogatory to the honor of congress." Ten days later a majority, chiefly of the New England members, without consulting the commander-in-chief, directed Gates "to repair immediately to Ticonderoga and take command of the army there." Claiming to be appointed to the most important post in all America, Gates, as if master over all, left with Lovell of Massachusetts a plan how to station every part of the American army upon the opening of the campaign, and continued to enjoin its exact execution as the best that could be framed "for the defence of American liberty." * From Albany, near the end of April, he writes to congress: "I foresee the worst of consequences from too great a proportion of the main army being drawn into the Jerseys. Request congress in my name to order two troops of horse to Albany." And congress directed Washington to "forward two troops of horse to General Gates." Washington thought that the requisitions of Gates should be made directly to himself, or that

* Gates to Lovell, Albany, 29 April 1777. MS.

at least he should receive a duplicate of them; but Gates insisted on dealing directly with congress, as "the common parent of all the American armies."

He asked the appointment of his friend, William Gordon, afterward historian of the revolution, as chaplain-general of the northern army.* In the autumn of 1776, Kosciuszko, a Polish officer of courage, modesty, and sound judgment, took part with America. Gates, who describes him as "an able engineer and one of the best and neatest draftsmen he ever saw," wisely selected him for the northern service, and ordered him, "after he should have thoroughly made himself acquainted with the works, to point out where and in what manner the best improvements and additions could be made thereto."

On the ninth of May, resuming his self-conceit, he writes to the president of congress: "In my name assure congress that there is good ground to hope Ticonderoga may be as safe this year as it was the last." To Lovell he scoffingly proposed that Schuyler should go and command at Peekskill, near the New York convention and in the centre of the colony.† On his petulant requisition for tents, Washington explained why there was a scarcity of them. At this Gates complained to Lovell "how little he had to expect from George Washington. Generals, like parsons, are all for christening their own child first; let an impartial moderating power decide between us."‡ Waiting many weeks for ordnance and stores, he announced to Washington: "I am resolved not to leave Albany before I see the bulk of them before me."#

In the second week of April, Schuyler resumed his seat in congress, fixed in the purpose of recovering his command. By his authority, George Clinton, in a letter to the New York delegation, set forth that Schuyler himself, while in the chief command with Gates as his junior, claimed to have made Ticonderoga nearly impregnable, and was willing to assume all responsibility for its future safety, and therefore should be restored to his command, yet with Gates serving as in the pre

* Gates to Hancock, Albany, 2 May 1777. MS.
† Gates to Lovell, Albany, 12 May 1777. MS.
‡ Gates to Lovell, Albany, 25 May 1777. MS.
# Gates to Washington, Albany, 24 May 1777. MS.

ceding year.* Schuyler announced to Washington his intention "to resign his commission;" and Washington interposed no dissuasions. Yet on the twenty-second of May, in the unhappiest hour for Schuyler, in the moment of greatest good luck for Gates, congress, after a debate of four days, by an accidental majority of one state, accorded to Schuyler the command of Albany, Ticonderoga, Fort Stanwix, and their dependencies.

The only noteworthy military events of the early year were attacks upon the magazines of the two parties. The stores for the American army deposited at Peekskill were destroyed.

On the twenty-third of April a detached corps of eighteen hundred men, and a small number of dragoons, under the command of Tryon, now a major-general of provincials, sailed from New York, under convoy, to destroy an American magazine at Danbury, Connecticut. About three hours after noon on Saturday, the twenty-sixth, they reached Danbury, scattered the guard, which was composed of but fifty continentals and a few militia, and, under a heavy rain, destroyed the stores. All night long they were busy in burning the village. The people rising in arms, the invading party, though they returned by a different route, were waylaid, and forced to fly as from Concord in 1775. By a quick march, Arnold and Silliman confronted them on Sunday at Ridgefield with four hundred men. Wooster hung on their rear with two hundred more, and, cheering his troops by his words and his example, fell at their head, mortally wounded, yet not till he had taken twenty or more prisoners. Arnold, throwing up a barrier across the road, sustained a sharp action till his position was turned. His horse being killed under him, a soldier, seeing him alone and entangled, was advancing on him with fixed bayonet, when Arnold, drawing a pistol, shot his assailant, and retired unhurt.

At the wane of the day the British troops, in an oblong square, lay on their arms till morning. At daybreak on Monday they resumed their march, and escaped danger only by fording the Saugatuck a mile above all the American parties and running at full speed to the high hill of Compo, within half a mile of their convoy at Norwalk. Before night the

* MS. extract from the letter of Clinton to the New York delegation, given me from the Armstrong papers by Kosciuszko Armstrong.

English set sail, having lost about two hundred men; the Americans lost not half so many.

Congress, who at Washington's instance had elected Arnold a major-general, voted him "a horse caparisoned, as a token of their approbation of his gallant conduct." To Wooster they voted a monument.

Return Meigs of Connecticut, learning through General Parsons that the British were lading transports at Sag Harbor, on the east side of the great bay of Long Island, crossed the sound from Sachem's Head on the twenty-third of May, with two hundred continentals, in whale-boats. From the north beach of the island they carried their boats on their backs over the sandy point, embarked again on the bay, and landed after midnight within four miles of Sag Harbor. To that place they advanced before daybreak in silence and order, burned one vessel of six or eight guns, and ten loaded transports, destroyed the stores that lay at the wharf, killed five or six of the British, and captured all the rest but four. On their return, they reached Guilford with ninety prisoners at two in the afternoon, having traversed by land and water ninety miles in twenty-five hours. Congress voted Meigs a sword, and Washington promoted Sergeant Ginnings for merit in the expedition.

In May, Howe received letters written after the news of the disasters at Trenton and Princeton reached England. Germain, whom grievous disappointment made more and more vengeful, expressed extreme mortification that the brilliancy of Howe's successes had been tarnished, adding: "They who insolently refuse to accept the mercy of their sovereign cannot expect clemency; I fear you and Lord Howe must adopt such modes of carrying on the war that the rebels, through a lively experience of losses and sufferings, may be brought as soon as possible to a proper sense of their duty." The secretary added the king's opinion, that in conjunction with the fleet "a warm diversion" should be made "upon the coasts of the Massachusetts bay and New Hampshire," and their ports be occupied or "destroyed." The admiral would not hearken to the hint to burn Boston and other seaside towns of New England; and the general made answer that "it was not consistent with other

operations." Notwithstanding Germain's minute directions, addressed through him to the Indian agent, on the employment of savages against the frontiers of the southern states, he never urged "the red children of the great king" to deeds of blood.

On the twenty-eighth of May, Washington removed his quarters from Morristown to the heights of Middlebrook. Of his army, which was composed of no more than seven thousand five hundred men, he retained about six thousand in his well-chosen mountain camp, of which the front was protected by the Raritan, then too deep to be forded, and the right, where the ground was not good, by two strong redoubts; the left was by nature difficult of access. Here, at a distance of about nine miles from Brunswick, he kept watch of his enemy. General Howe put on the appearance of opening the campaign. Two more British regiments were ordered from Rhode Island; horses, tents, stores, reinforcements, arrived from England; and, by the twelfth of June, seventeen thousand men, with boats and pontoons for crossing the Delaware, were assembled at Brunswick. The veteran officers, alike German and British, agreed that they had never seen such a body of men.

It was Howe's purpose by a swift march to cut off the division under Sullivan, which was stationed at Princeton; but the troops ordered for that service arrived five hours too late. Sullivan had retired to the Delaware, and was not pursued. Howe next occupied a fine country for a battle-field, near the American encampment. During this period Washington's army at night slept on their arms; in the morning they were arrayed for battle; but Howe dared not venture an attack, and only threw up fortifications which he was soon to abandon.

Men in and round congress fretted at Washington's caution. One American general officer wrote: "We must fight or forfeit our honor;" Samuel Adams was "not over-well pleased with what was called the Fabian war in America." To reproaches Washington answered: "As I have one great object in view, I shall steadily pursue the means which in my judgment lead to the accomplishment of it;" and he continued to baffle and soon tired out an enemy of much more than twice his numbers. On the evening of the twentieth, the

army at Middlebrook learned that the whole British force in New Jersey was returning to Amboy, and the surrounding country as far as Brunswick rung with their shouts and salvos.

On the morning of the twenty-second, the Anspach and Hessian yagers, who formed the rear of Heister's division, were much cut up by a body of about three hundred men. When more than half the column of Cornwallis had passed Piscataway, his patrols on the left were fiercely set upon by Morgan's riflemen and driven back upon the column; and, though Howe put himself at the head of the two nearest regiments to meet the attack, for a half-hour they continued the fight within the distance of forty yards, and did not retire till he ordered up heavy artillery and scoured the woods with grape.

Having taken the advice of his general officers, Washington on the twenty-fourth came down with the main body of his army as far as Quibbletown, and advanced Lord Stirling's division with some other troops to Matouchin, with orders in no event to bring on a general engagement. Stirling, who was a brave man, but no tactician, saw fit to await an attack. His position was turned and his party put to flight, leaving two small cannon. The British lost about seventy men; the Americans, including prisoners, full twice that number. Washington returned to the heights of Middlebrook. On the thirtieth, Howe evacuated New Jersey, never again to step on its soil. A great American victory would not have given a deadlier blow to British supremacy. Jerseymen who had accepted British protection fled to Staten Island.

In Philadelphia, congress celebrated the first anniversary of independence with a feeling of security. The bells rung all day and all the evening; ships, row-galleys, and boats showed the new flag of the thirteen United States: thirteen stripes, alternate red and white; for the union thirteen stars, white in a blue field, representing a new constellation. At one o'clock the ships in the stream were manned. At three the members of congress and officers of the government of Pennsylvania dined together. "Our country" was on the lips of every one; "the heroes who have fallen" were commemorated; the Hessian band, captured at Trenton, played excellently well. After-

ward there were military parades, and at night bonfires, fireworks, and a general illumination.

Six days later a most daring adventure succeeded. Prescott, the commander of the British forces on Rhode Island, had his quarters at a farm-house about four miles from Newport, on the west side of the island, a mile from any troops, with no patrols along the shore, and no protection but a sentry and the guard-ship in the bay. Informed of this rashness, William Barton, a native of Warren, then a lieutenant-colonel in the Rhode Island militia, on the night following the ninth of July embarked in whale-boats at Warwick neck a party of forty volunteers, steered between the islands of Patience and Prudence, and landed at Redwood creek. Coming up across fields, they surrounded Prescott's house, burst open the doors, took him and Lieutenant Barrington out of their beds, hurried them to the water without giving them time to put on their clothes, and, while men from the several camps were searching for their tracks on the shore, they passed under the stern of the guard-ship which lay against Hope Island, regained Warwick, and forwarded their captives to the American headquarters in Providence. In rank Prescott was the equal of Lee, and they were promptly exchanged.

CHAPTER XII.

THE ADVANCE OF BURGOYNE FROM CANADA.

MAY–AUGUST 1777.

"THIS campaign will end the war," was the opinion given by Riedesel; and through Lord Suffolk he solicited the continued favor of the British king, who was in his eyes "the adoration of all the universe." Flushed with expectations of glory, Carleton employed the unusually mild winter in preparations. On the last day of April he gave audience to the deputies of the Six Nations, and accepted their services with thanks and gifts. Other large bodies of Indians were engaged, under leaders of their own approval. "Wretched colonies!" said Riedesel, "if these wild souls are indulged in war."

To secure the Mohawks to the British side, Joseph Brant urged them to abandon their old abode for lands more remote from American settlements. To counteract his authority, Gates, near the end of May, thus spoke to a council of warriors of the Six Nations:

"The United States are now one people; suffer not any evil spirit to lead you into war. Brothers of the Mohawks, you will be no more a people from the time you quit your ancient habitations; if there is any wretch so bad as to think of prevailing upon you to leave the sweet stream so beloved by your forefathers, he is your bitterest enemy. Before many moons pass away, the pride of England will be laid low; then how happy will it make you to reflect that you have preserved the neutrality so earnestly recommended to you from the beginning of the war! Brothers of the Six Nations, the Americans well know your great fame and power as warriors; the only reason

why they did not ask your help against the cruelty of the king was, that they thought it ungenerous to desire you to suffer in a quarrel in which you had no concern. Brothers, treasure all I have now said in your hearts; for the day will come when you will hold my memory in veneration for the good advice contained in this speech."

The settlers in the land which this year took the name of Vermont refused by a great majority to come under the jurisdiction of New York; on the fifteenth of January 1777, their convention declared the independence of their state. At Windsor, on the second of June, they appointed a committee to prepare a constitution; and they hoped to be received into the American union. But, as New York opposed, congress, by an uncertain majority against a determined minority, disclaimed the intention of recognising Vermont as a separate state.

Gates charged Saint-Clair to "call lustily for aid of all kinds, for no general ever lost by surplus numbers or over-preparation;" and he then repaired to Philadelphia, to intrigue for his reinstatement.

On the twelfth, Saint-Clair, the best of the brigadiers then in the North, reached Ticonderoga. Five days later Schuyler visited his army. Mount Defiance, which overhangs the outlet of Lake George and was the "key of the position," was left unoccupied. From the old French intrenchments to the south-eastern works on the Vermont side the wretchedly planned and unfinished defences extended more than two miles and a half; and from end to end of the straggling lines and misplaced block-houses there was no spot which could be held against a superior force. The British could reach the place by the lake more swiftly than the Americans through the forest. A necessity for evacuating the post might arise; but Schuyler shrunk from giving definite instructions, and, returning to Albany, busied himself with forwarding to Ticonderoga supplies for a long siege.

On the sixth of May, Burgoyne arrived at Quebec. Carleton received with amazement despatches censuring his conduct in the last campaign, and ordering him, for "the speedy quelling of the rebellion," to make over to an inferior officer the command of the Canadian army as soon as it should cross the

boundary of the province of Quebec. Answering with passionate recrimination the just reproaches of Germain and of his adviser Lord Amherst, he at once yielded up the chief military authority, and, as civil governor, paid a haughty but unquestioning obedience to the requisitions of Burgoyne. Contracts were made for fifteen hundred horses and five hundred carts; a thousand Canadians, reluctant and prone to desertion, were called out as road-makers and wagoners; and six weeks' supplies for the army were crowded forward upon the one line of communication by the Sorel. Burgoyne had very nearly all the force which he had represented as sufficient. His officers were well chosen, especially Phillips and Riedesel as major-generals and the Highlander Fraser as an acting brigadier. A diversion, from which great consequences were expected, was to proceed by way of Lake Ontario to the Mohawk river. Sir William Howe was notified that Burgoyne had orders to force a junction with his army.

On the fifteenth of June, Burgoyne advanced from St. John's, as he thought, to easy victories and high promotion. Officers' wives attended their husbands, promising themselves an agreeable trip. On the twentieth some of the Indians, shedding the first blood, brought in ten scalps and as many prisoners. The next day, at the camp near the river Bouquet, a little north of Crown Point, Burgoyne, the applauded writer of plays for the stage, gathering round him the chief officers of his army in their gala uniforms, met in congress about four hundred Iroquois, Algonkin, and Ottawa savages, and thus appealed to what he called "their wild honor":

"Warriors, you are free; go forth in might of your valor and your cause; strike at the common enemies of Great Britain and America, disturbers of public order, peace, and happiness, destroyers of commerce, parricides of the state. The circle round you, the chiefs of his majesty's European forces, and of those of the princes, his allies, esteem you as brothers in the war; emulous in glory and in friendship, we will reciprocally give and receive examples. Be it our task to regulate your passions when they overbear. I positively forbid bloodshed, when you are not opposed in arms. Aged men, women, children, and prisoners must be held sacred from the knife and the

hatchet, even in the time of actual conflict. You shall receive compensation for the prisoners you take, but you shall be called to account for scalps. Your customs have affixed an idea of honor to such badges of victory: you shall be allowed to take the scalps of the dead, when killed by your fire in fair opposition; but on no pretence are they to be taken from the wounded or even dying. Should the enemy, on their part, dare to countenance acts of barbarity toward those who may fall into their hands, it shall be yours to retaliate."

An old Iroquois chief replied: "When you speak, we hear the voice of our great father beyond the great lake. We have been tried and tempted by the Bostonians; but we loved our father, and our hatchets have been sharpened upon our affections. In proof of sincerity, our whole villages, able to go to war, are come forth. The old and infirm, our infants and wives, alone remain at home. With one common assent we promise a constant obedience to all you have ordered and all you shall order; and may the Father of days give you many, and success."

Having feasted the Indians according to their custom, Burgoyne published his speech, which reflected his instructions. Edmund Burke, who had learned that the natural ferocity of those tribes far exceeded the ferocity of all barbarians mentioned in history, pronounced that they were not fit allies for the king in a war with his people; that Englishmen should never confirm their evil habits by fleshing them in the slaughter of British colonists. In the house of commons Fox censured the king for suffering them in his camp, when it was well known that "brutality, murder, and destruction were ever inseparable from Indian warriors." When Suffolk, before the lords, contended that it was perfectly justifiable to use all the means which God and nature had put into their hands, Chatham called down "the most decisive indignation at these abominable principles and this more abominable avowal of them."

In a proclamation issued at Crown Point, Burgoyne, claiming to speak "in consciousness of Christianity and the honor of soldiership," enforced his persuasions to the Americans by menaces like these: "Let not people consider their distance

from my camp; I have but to give stretch to the Indian forces under my direction, and they amount to thousands, to overtake the hardened enemies of Great Britain. If the frenzy of hostility should remain, I trust I shall stand acquitted in the eyes of God and man in executing the vengeance of the state against the wilful outcasts."

On the last day of June, Burgoyne declared in general orders: "This army must not retreat;" while Saint-Clair wrote to Schuyler: "Should the enemy attack us, they will go back faster than they came." On the first of July the invading army moved up the lake. As they encamped at evening before Ticonderoga and Mount Independence, the rank and file, exclusive of Indians, numbered three thousand seven hundred and twenty-four British, three thousand and sixteen Germans, two hundred and fifty provincials, besides four hundred and seventy-three skilful artillerists, with an excessive supply of artillery. On the third, one of Saint-Clair's aids promised Washington "the total defeat of the enemy." On that day Riedesel was studying how to invest Mount Independence. On the fourth, Phillips seized the mills near the outlet of Lake George, and hemmed in Ticonderoga on that side. In the following night a party of infantry, following the intimation of Lieutenant Twiss of the engineers, took possession of Mount Defiance. In one day more, batteries from that hill would play on both forts, and Riedesel complete the investment of Mount Independence. "We must away," said Saint-Clair; his council of war were all of the same mind, and the retreat must be made the very next night. The garrison, according to his low estimate, consisted of thirty-three hundred men, of whom two thirds were effective, but with scarcely more than one bayonet to every tenth soldier. One regiment, the invalids, and such stores as there was time to lade, were sent in boats up the lake to Whitehall, while the great body of the troops, under Saint-Clair, took the new road through the wilderness to Hubbardton.

They left ample stores of ammunition, flour, salt meat, and herds of oxen, more than seventy cannon, and a large number of tents. Burgoyne, who came up in the fleet, sent Fraser with twenty companies of English grenadiers, followed by

Riedesel's infantry and reserve corps, in pursuit of the army of Saint-Clair; and, as soon as the channel between Ticonderoga and Mount Independence could be cleared, the fleet, bearing Burgoyne and the rest of his forces, chased after the detachment which had escaped by water. The Americans, burning three of their vessels, abandoned two others and the fort at Whitehall. Everything which they brought from Ticonderoga was destroyed, or fell a prey to their pursuers.

On the same day Burgoyne reported to his government that the army of Ticonderoga was "disbanded and totally ruined." Germain cited to General Howe this example of "rapid progress," and predicted an early junction of the two armies. Men disputed in England whether most to admire the sword or the pen of Burgoyne; and were sure of the entire conquest of the confederate provinces before Christmas.

Public opinion rose against Schuyler. Of the evacuation of Ticonderoga, Hamilton reasoned rightly: "If the post was untenable, or required a larger number of troops to defend it than could be spared for the purpose, it ought long ago to have been foreseen and given up. Instead of that, we have kept a large quantity of cannon in it, and have been heaping up very valuable magazines of stores and provisions, that in the critical moment of defence are abandoned and lost." * So judged the public and congress. Schuyler had, as the condition of his reappointment to the command, taken upon himself the responsibility of the defence of Ticonderoga, and had claimed praise for having piled up ample stores within its walls. He sought to escape from condemnation by insisting that the retreat was made without the least hint from himself, and was "ill-judged and not warranted by necessity." With manly frankness Saint-Clair assumed as his own the praiseworthy act which had saved to the country many of its bravest defenders.

On the second of July the convention of Vermont reassembled at Windsor. The organic law which they adopted, blending the culture of their age with the traditions of Protestantism, assumed that all men are born free and with inalienable rights; that they may emigrate from one state to another, or form a new state in vacant countries; that "every sect should observe

* Hamilton's works, i., 31.

the Lord's day, and keep up some sort of religious worship;" that every man may choose that form of religious worship "which shall seem to him most agreeable to the revealed will of God." They provided for a school in each town, a grammar-school in each county, and a university in the state. All officers, alike executive and legislative, were to be chosen annually and by ballot; the freemen of every town and all one-year's residents were electors. Every member of the house of representatives must declare "his belief in one God, the rewarder of the good and the punisher of the wicked; in the divine inspiration of the scriptures; and in the Protestant religion." The legislative power was vested in one general assembly, subject to no veto, though an advisory power was given to a board consisting of the governor, lieutenant-governor, and twelve councillors. Slavery was forbidden and forever; and there could be no imprisonment for debt. Once in seven years an elective council of censors was to take care that freedom and the constitution were preserved in purity.

The marked similarity of this system to that of Pennsylvania is ascribed in part to the influence of Thomas Young of Philadelphia, who had published an address to the people of Vermont. After the loss of Ticonderoga, the introduction of the constitution was postponed, lest the process of change should interfere with the public defence, for which the Vermont council of safety supplicated aid from the New Hampshire committee at Exeter and from Massachusetts.

On the night of the sixth, Fraser and his party made their bivouac seventeen miles from the lake, with that of Riedesel three miles in their rear. At three in the morning of the seventh both detachments were in motion. The savages having discovered the rear-guard of Saint-Clair's army, which Warner, contrary to his instructions, had encamped for the night at Hubbardton, six miles short of Castleton, Fraser, at five, ordered his troops to advance. To their great surprise, Warner, who was nobly assisted by Colonel Eben Francis and his New Hampshire regiment, turned and began the attack. The English were like to be worsted, when Riedesel with his vanguard and company of yagers came up, their music playing, the men singing a battle-hymn. Francis for a third time

charged at the head of his regiment, and held his enemies at bay till he fell. On the approach of the three German battalions, his men retreated toward the south. Fraser, taking Riedesel by the hand, thanked him for the timely rescue. Of the Americans, few were killed, and most of those engaged in the fight made good their retreat; but during the day the British took more than two hundred stragglers, wounded men, and invalids. Of the Brunswickers twenty-two were killed or wounded, of the British one hundred and fifty-five. The heavy loss stopped the pursuit; and Saint-Clair, with two thousand continental troops, marched unmolested to Fort Edward.

The British regiment which chased the fugitives from Whitehall took ground within a mile of Fort Ann. On the morning of the eighth its garrison drove them nearly three miles, took a captain and three privates, and inflicted a loss of at least fifty in killed and wounded. Reinforced by a brigade, the English returned only to find the fort burned down, and the garrison beyond reach.

Burgoyne chose to celebrate these events by a day of thanksgiving. Another disappointment awaited him. He asked Carleton to hold Ticonderoga with a part of the three thousand troops left in Canada; Carleton, pleading his instructions which confined him to his own province, refused, and left Burgoyne "to drain the life-blood of his army" for the garrison. Supplies of provisions came tardily. Of the Canadian horses contracted for, not more than one third arrived in good condition over the wild mountain roads. The wagons were made of green wood, and were deficient in number. Further, Burgoyne should have turned back from Whitehall and moved to the Hudson river by way of Lake George and the old road; but the word was: "Britons never recede;" and after the halt of a fortnight he took the short cut to Fort Edward, through a wilderness bristling with woods, broken by numerous creeks, and treacherous with morasses. He reports with complacency the construction of more than forty bridges, a "log-work" over a morass two miles in extent, and the removal of layers of fallen timber-trees. But this persistent toil in the heat of midsummer, among myriads of insects, dispirited his troops.

Early in July, Burgoyne confessed to Germain that, "were the Indians left to themselves, enormities too horrid to think of would ensue; guilty and innocent, women and infants, would be a common prey." The general, nevertheless, resolved to use them as instruments of "terror," and promised, after arriving at Albany, to send them "toward Connecticut and Boston," knowing full well that they were left to themselves by La Corne Saint-Luc, their leader, who was impatient of control in the use of the scalping-knife. Every day the savages brought in scalps as well as prisoners. On the twenty-seventh, Jane Maccrea, a young woman of twenty, betrothed to a loyalist in the British service and esteeming herself under the protection of British arms, was riding from Fort Edward to the British camp at Sandy Hill, escorted by two Indians. The Indians quarrelled about the reward promised on her safe arrival, and at a half-mile from Fort Edward one of them sunk his tomahawk in her skull. The incident was not of unusual barbarity; but this massacre of a betrothed girl on her way to her lover touched all who heard the story. Burgoyne, from fear of "the total defection of the Indians," pardoned the assassin.

Schuyler owed his place to his social position, not to military talents. Anxious, and suspected of a want of personal courage, he found everything go ill under his command. To the continental troops of Saint-Clair, who were suffering from the loss of their clothes and tents, he was unable to restore confidence; nor could he rouse the people. The choice for governor of New York fell on George Clinton; "his character," said Washington to the council of safety, "will make him peculiarly useful at the head of your state." Schuyler wrote: "His family and connections do not entitle him to so distinguished a pre-eminence." There could be no hope of a successful campaign but with the hearty co-operation of New England. Of the militia of New England the British commander-in-chief has left his testimony that, "when brought to action, they were the most persevering of any in all North America;" yet Schuyler gave leave for one half of them to go home at once, the rest to follow in three weeks, and then called upon Washington to supply their places by troops from the south of Hud-

son river, saying to his friends that one southern soldier was worth two from New England.

On the twenty-second, long before Burgoyne was ready to advance, Schuyler retreated to a position four miles below Fort Edward. Here again he complained of his "exposure to immediate ruin." His friends urged him to silence the growing suspicion of his want of spirit; he answered: "If there is a battle, I shall certainly expose myself more than is prudent." To the New York council of safety he wrote on the twenty-fourth: "I mean to dispute every inch of ground with Burgoyne, and retard his descent as long as possible;" and in less than a week, without disputing anything, he retreated to Saratoga, having his heart set on a position at the junction of the Mohawk and Hudson. The courage of the commander being gone, his officers and his army became spiritless. From Saratoga, Schuyler, on the first of August, wrote to the council of safety of New York: "I have been on horseback all day reconnoitring the country for a place to encamp on that will give us a chance of stopping the enemy's career. I have not yet been able to find a spot that has the least prospect of answering the purpose, and I believe you will soon learn that we are retired still farther south. I wish that I could say that the troops under my command were in good spirits. They are quite otherwise. Under these circumstances the enemy are acquiring strength and advancing."

On the fourth of August he sent word to congress that "Burgoyne is at Fort Edward. He has withdrawn his troops from Castleton and is bending his whole force this way. He will probably be here in eight days, and, unless we are well reinforced, as much farther as he chooses to go."

On the sixth, Schuyler writes to Governor Clinton of New York: "The enemy will soon move, and our strength is daily decreasing. We shall again be obliged to decamp and retreat before them." And, as his only resource, he solicited aid from Washington.

The loss of Ticonderoga alarmed the patriots of New York, gladdened the royalists, and fixed the wavering Indians as enemies. Five counties were in the possession of the enemy; three others suffered from disunion and anarchy; Tryon coun-

ty implored immediate aid; the militia of Westchester were absorbed in their own defence; in the other counties scarcely men enough remained at home to secure the plentiful harvest. Menaced on its border from the Susquehannah to Lake Champlain, and on every part of the Hudson, New York became the battle-field for the life of the young republic; its council seconded Schuyler's prayers for reinforcements.

The commander-in-chief, in the plan of the campaign, had assigned to the northern department more than its share of troops and resources; and had added one brigade which was beyond the agreement and of which he stood in pressing need, for the army of Howe was twice or thrice as numerous as that from Canada. In this time of perplexity, when the country from the Hudson to Maryland required to be guarded, the entreaties from Schuyler, from the council of New York, and from Jay and Gouverneur Morris as deputies of that council, poured in upon Washington. Alarmed by Schuyler's want of fortitude, he ordered to the north Arnold, who was fearless, and Lincoln, who was acceptable to the militia of the eastern states, and, even though it weakened his own army irretrievably, still one more brigade of excellent continental troops under Glover. To hasten the rising of New England, he wrote directly to the brigadier-generals of Massachusetts and Connecticut, urging them to march for Saratoga with at least one third part of the militia under their command. At the same time he bade Schuyler "never despair," explaining that the forces which might advance under Burgoyne could not much exceed five thousand men; that they must garrison every fortified post left behind them; that their progress must be delayed by their baggage and artillery, and by the necessity of cutting new roads and clearing old ones; that a party should be stationed in Vermont to keep them in continual anxiety for their rear; that Arnold should go to the relief of Fort Stanwix; that, if the invaders continued to act in detachments, one vigorous fall upon some one of those detachments might prove fatal to the whole expedition.

In a like spirit he expressed to the council of New York "the most sensible pleasure at the exertions of the state, dismembered as it was, and under every discouragement and dis-

advantage;" the success of Burgoyne, he predicted, would be temporary; the southern states could not be asked to detail their force, since it was all needed to keep Howe at bay; the attachment of the eastern states to the cause insured their activity when invoked for the safety of a sister state, of themselves, of the continent; the worst effect of the loss of Ticonderoga was the panic which it produced; calmly considered, the expedition was not formidable; if New York should be seasonably seconded by its eastern neighbors, Burgoyne would find it equally difficult to advance or to retreat.

All this while Schuyler continued to despond. On the thirteenth of August he could write from Stillwater to Washington: "We are obliged to give way and retreat before a vastly superior force, daily increasing in numbers, and which will be doubled if General Burgoyne reaches Albany, which I apprehend will be very soon;" and the next day he moved his army to the first island in the mouth of the Mohawk river; and at Albany accepted applause for "the wisdom of his safe retreat."* The first serious blow was struck by the husbandmen of Tryon county.

Burgoyne, on his return to London in 1776, had censured Carleton to Germain for not having sent by Lake Ontario and the Oswego and Mohawk rivers an auxiliary expedition, which he had offered to lead. Germain adopted the plan, and settled the details for its execution chiefly by savages. To Carleton, whom he accused of "avoiding to employ Indians," he announced the king's "resolution that every means should be employed that Providence had put in his majesty's hand for crushing the rebellion." The detachment which was set apart for the service under the command of Lieutenant-Colonel Saint-Leger, varying from the schedule of Germain in its constituent parts more than in its numbers, exceeded seven hundred and fifty white men. "The Six Nations inclined to the rebels" from fear of being finally abandoned by the king. The Mohawks could not rise unless they were willing to leave their old hunting-grounds; the Oneidas were friendly to the Americans; even the Senecas were hard to be roused. Butler at Irondequat assured them that there was no hin-

* Address of men of Albany to Schuyler. MS.

drance in the war-path; that they would have only to look on and see Fort Stanwix fall; and for seven days he lavished largesses on the fighting men and on their wives and children, till "they accepted the hatchet." "Not much short of one thousand Indian warriors," certainly "more than eight hundred," joined the white brigade of Saint-Leger. In addition to these, Hamilton, the lieutenant-governor of Detroit, in obedience to orders from the secretary of state, sent out fifteen several parties, consisting in the aggregate of two hundred and eighty-nine braves with thirty white officers and rangers, to prowl on the frontiers of Pennsylvania and Virginia.

Collecting his forces as he advanced from Montreal by way of Oswego, Saint-Leger on the third of August came near the carrying-place, where for untold ages the natives had borne their bark canoes over the narrow plain that divides the waters of the St. Lawrence from those of the Hudson. Fort Stanwix proved to be well constructed, safe by earthworks against artillery, and garrisoned by six or seven hundred men under Lieutenant-Colonel Gansevoort. A messenger from Brant's sister brought word that General Nicholas Herkimer and the militia of Tryon county were marching to its relief. A plan was made to lay for them an ambush of savages.

During the evening the savages filled the woods with yells. The next morning, having laid aside their blankets and robes of fur, they all went out, naked, or clad only in hunting-shirts, armed with spear, tomahawk, and musket, and supported by Sir John Johnson and royal Yorkers, by Colonel Butler and rangers, by Claus and Canadians, and by Lieutenant Bird and regulars.

The freeholders of the Mohawk valley, most of them with the sons of Germans from the palatinate for officers, seven or eight hundred in number, misinformed as to the strength of the besieging party, marched carelessly through the wood. About an hour before noon, when they were within six miles of the fort, their van entered the ambuscade. They were surprised in front by Johnson and his Yorkers, while the Indians attacked their flanks with fury, and, after using their muskets, rushed in with their tomahawks. The patriots fell back without confusion to better ground, and renewed the fight

against superior numbers. There was no chance for tactics in this battle of the wilderness. Small parties fought from behind trees or fallen logs; or the white man, born on the banks of the Mohawk, wrestled single-handed with the Seneca warrior, like himself the child of the soil. Herkimer was badly wounded below the knee; but he remained on the ground, giving orders to the end. Thomas Spencer died the death of a hero. The battle raged for at least an hour and a half, when the Americans repulsed their assailants, but with the loss of about one hundred and sixty, killed, wounded, or taken, of the best men of western New York. The savages fought with wild valor; three-and-thirty or more, among them the chief warriors of the Senecas, lay dead beneath the trees; about as many more were badly wounded. Of the Yorkers one captain, of the rangers two were killed. What number of privates fell is not told. The British loss, including savages and white men, was probably about one hundred.

Three men having crossed the morass into Fort Stanwix to announce the approach of Herkimer, by Gansevoort's order two hundred and fifty men, half of New York, half of Massachusetts, under Lieutenant-Colonel Marinus Willett, made a sally in the direction of Oriska. They passed through the quarters of the Yorkers, the rangers, and the savages, driving before them whites and Indians, chiefly squaws and children, capturing Sir John Johnson's papers, five British flags, the fur-robes and new blankets and kettles of the Indians, and four prisoners. Learning from them the check to Herkimer, the party of Willett returned quickly to Fort Stanwix, bearing their spoils on their shoulders. The five captured colors were displayed under the continental flag; it was the first time that a captured banner had floated under the stars and stripes of the republic. The Indians were frantic at the loss of their chiefs and warriors; they suffered in the chill nights from the loss of their clothes; and not even the torturing and killing their captives in which they were indulged could prevent their beginning to return home.

Meantime, Willett, with Lieutenant Stockwell as his companion, "both good woodsmen," made their way past the Indian quarter, at the hazard of death by torture, and at their

request Schuyler charged Arnold with an expedition to relieve the garrison. Long before its approach an Indian ran into Saint-Leger's camp, reporting that a thousand men were coming against them; another followed, doubling the number; a third brought a rumor that three thousand men were close at hand; and, deaf to remonstrances and entreaties from their superintendents and from Saint-Leger, the wild warriors robbed the British officers of their clothes, plundered the boats, and made off with the booty. Saint-Leger in a panic, though Arnold was not within forty miles, hurried after them before nightfall, leaving his tents, artillery, and stores.

It was Herkimer who "first reversed the gloomy scene" of the northern campaign. The pure-minded hero of the Mohawk valley "served from love of country, not for reward. He did not want a continental command or money." Before congress had decided how to manifest their gratitude he died of his wound; and they decreed him a monument. Gansevoort was rewarded by a vote of thanks and a command; Willett, by public praise and "an elegant sword."

The employment of Indian allies had failed. The king, the ministry, and, in due time, the British parliament, were informed officially that the red men "treacherously committed ravages upon their friends;" that "they could not be controlled;" that "they killed their captives;" that "there was infinite difficulty to manage them;" that "they grew more and more unreasonable and importunate." When the Seneca warriors, returning to their lodges, told the story of the slaughter of their chiefs, their villages rung with yells of rage and the howls of mourners.

Burgoyne, who on the thirtieth of July made his head-quarters on the banks of the Hudson, had detachments from seventeen savage nations. A Brunswick officer describes them as "tall, warlike, and enterprising, but fiendishly wicked." On the third of August they brought in twenty scalps and as many captives; and Burgoyne approved their incessant activity. To prevent desertions of soldiers, it was announced in orders to each regiment that the savages were enjoined to scalp every runaway. The Ottawas longed to go home; but, on the fifth of August, Burgoyne took from all his red warri-

ors a pledge to stay through the campaign. On the sixth he reported himself to General Howe as "well forward," "impatient to gain the mouth of the Mohawk," but not likely to "be in possession of Albany" before "the twenty-second or the twenty-third" of the month.

To aid Saint-Leger by a diversion, and fill his camp with draught cattle, horses, and provisions from fabled magazines at Bennington, Burgoyne on the eleventh of August sent out an expedition on the left, commanded by Baum, a Brunswick lieutenant-colonel of dragoons, and composed of more than four hundred Brunswickers, Hanau artillerists with two cannon, the select corps of British marksmen, a party of French Canadians, a more numerous party of provincial royalists, and a horde of about one hundred and fifty Indians. Burgoyne in his eagerness rode after Baum, and gave him verbal orders to march directly upon Bennington. After disposing of the stores at that place, he might cross the Green Mountains, descend the Connecticut river to Brattleborough, and enter Albany with Saint-Leger and the main army. The night of the thirteenth, Baum encamped about four miles from Bennington, on a hill that rises from the Walloomscoick, just within the state of New York. When, early on the morning of the fourteenth, a reconnoitring party of Americans was seen, he wrote in high spirits for more troops, and constructed strong intrenchments. Burgoyne sent him orders to maintain his post; and, at eight o'clock on the fifteenth, Breymann, a Brunswick lieutenant-colonel, with two Brunswick battalions and two cannon, marched, in a constant rain, through thick woods, to his support.

The legislature of New Hampshire, in the middle of July, receiving the supplicatory letter from Vermont, promptly resolved to co-operate "with the troops of the new state," and ordered Stark, with a brigade of militia, "to stop the progress of the enemy on their western frontier." Uprising at the call, the men of New Hampshire flew to his standard, which he set up at Charlestown, on the Connecticut river. Schuyler ordered them to join his retreating army, and, because they chose to follow their own wise plans, Schuyler brought upon Stark the censure of congress for disobedience. But the upright hero,

consulting with Seth Warner of Vermont, made his bivouac on the fourteenth of August at the distance of a mile from the post of Baum, to whom he vainly offered battle. The regiment of Warner came down from Manchester during the rain of the fifteenth; and troops arrived from the westernmost county of Massachusetts.

When the sun rose on the sixteenth, Stark concerted with his officers the plan for the day. Baum, seeing small bands of men, in shirt-sleeves and carrying fowling-pieces without bayonets, steal behind his camp, mistook them for friendly country people placing themselves where he could protect them; and so five hundred men under Nichols and Herrick united in his rear. While his attention was arrested by a feint, two hundred more posted themselves on his right; and Stark, with two or three hundred, took the front. At three o'clock Baum was attacked on every side. The Indians dashed between two detachments and fled, leaving their grand chief and other warriors lifeless on the field. New England sharpshooters ran up within eight yards of the loaded cannon, to pick off the cannoneers. When, after about two hours, the firing of the Brunswickers slackened from scarcity of powder, the Americans scaled the breastwork and fought them hand to hand. Baum ordered his infantry with the bayonet, his dragoons with their sabres, to force a way; but in the attempt he fell mortally wounded, and his veteran troops surrendered.

Just then the battalions of Breymann, having taken thirty hours to march twenty-four miles, came in sight. Warner now first brought up his regiment, of one hundred and fifty men, into action; and with their aid Stark began a new attack, using the cannon just taken. The fight raged till sunset, when Breymann, abandoning his artillery and most of his wounded men, ordered a retreat. The pursuit continued till night; those who escaped owed their safety to the darkness. During the day less than thirty of the Americans were killed, and about forty were wounded; the loss of their enemy was estimated at full twice as many, besides at least six hundred and ninety-two prisoners, of whom more than four hundred were Germans.

This victory, one of the most brilliant and eventful of the war, was achieved spontaneously by the husbandmen of New

Hampshire, Vermont, and western Massachusetts. Stark only confirms the reports of Hessian officers when he writes: "Had our people been Alexanders or Charleses of Sweden, they could not have behaved better."

At the news of Breymann's retreat, Burgoyne ordered his army under arms; and at the head of the forty-seventh regiment he forded the Battenkill, to meet the worn-out fugitives. The loss of troops was irreparable. Canadians and Indians of the remoter nations began to leave in disgust. For supplies, Burgoyne was thrown back upon shipments from England, painfully forwarded from Quebec by way of Lake Champlain and Lake George to the Hudson river. Before he could move forward he must, with small means of transportation, bring together stores for thirty days, and drag nearly two hundred boats over two long carrying-places.

On the first of August congress relieved Schuyler from command by a vote to which there was no negative; and on the fourth eleven states elected Gates his successor. Before Gates assumed the command, Fort Stanwix was safe and the victory of Bennington achieved; yet congress hastened to vote him all the powers and all the aid which Schuyler in his moods of despondency had entreated. Touched by the ringing appeals of Washington, thousands of the men of Massachusetts, even from the counties of Middlesex and Essex, were in motion toward Saratoga. Congress, overriding Washington's advice, gave Schuyler's successor plenary power to make further requisitions for militia on New York, New Jersey, and Pennsylvania. Washington had culled from his troops five hundred riflemen, and formed them under Morgan into a better corps of skirmishers than had ever been attached to an army even in Europe; congress directed them to be forthwith sent to assist Gates against the Indians; and Washington obeyed so promptly that the order might seem to have been anticipated.

As for Schuyler, he proffered his services to the general by whom he was superseded, heartily wished him success, and soon learned to "justify congress for depriving him of the command, convinced that it was their duty to sacrifice the feelings of an individual to the safety of the states when the people who only could defend the country refused to serve under him."

CHAPTER XIII.

PROGRESS OF SIR WILLIAM HOWE AND BURGOYNE.

JULY–OCTOBER 20, 1777.

A DOUBT arose whether Washington retained authority over the new chief of the northern department till congress declared that "they never intended to supersede or circumscribe his power;" but, from an unwillingness to confess their own mistakes, from the pride of authority and jealousy of his superior popularity, they slighted his advice and neglected his wants. They remodelled the commissary department in the midst of the campaign on a system which no competent men would undertake to execute. Washington, striving for an army, raised and officered by the United States, "used every means in his power to destroy state distinction in it, and to have every part and parcel of it considered as continental;" congress more and more reserved to the states the recruiting of men, and the appointment of all but general officers. Political and personal considerations controlled the nomination of officers; and congress had not vigor enough to drop the incapable. "The wearisome wrangles for rank," and the numerous commissions given to foreign adventurers of extravagant pretensions, made the army "a just representation of a great chaos." A reacting "spirit of reformation" was at first equally undiscerning; Kalb and Lafayette, arriving at Philadelphia near the end of July, met with a repulse. When it was told that Lafayette desired no more than leave to risk his life in the cause of liberty without pension or allowance, congress gave him the rank of major-general, and Washington received him into his family; but at first the claim of Kalb was rejected.

On the fifth of July, General Howe, leaving more than seven regiments in Rhode Island, and about six thousand men under Sir Henry Clinton at New York, began to embark the main body of his army for a joint expedition with the naval force against Philadelphia. The troops, alike foot and cavalry, were kept waiting on shipboard till the twenty-third. The fleet of nearly three hundred sail spent seven days in beating from Sandy Hook to the capes of Delaware. Finding the Delaware river obstructed, it steered for the Chesapeake, laboring against the southerly winds of the season. August was half gone when it turned Cape Charles; and on the twenty-fifth, after a voyage of thirty-three days, it anchored in Elk river, six miles below Elktown and fifty-four miles from Philadelphia.

Expressing the strange reasoning and opinions of many of his colleagues, John Adams, the head of the board of war, could write: "We shall rake and scrape enough to do Howe's business; the continental army under Washington is more numerous by several thousands than Howe's whole force; the enemy give out that they are eighteen thousand strong, but we know better, and that they have not ten thousand. Washington is very prudent; I should put more to risk, were I in his shoes; I am sick of Fabian systems. My toast is, a short and violent war." Now at that time the army of Howe, apart from the corps of engineers, counted, at the lowest statements, seventeen thousand one hundred and sixty-seven men, with officers amounting to one fifth as many more, all soldiers by profession and perfectly equipped.

Congress gave itself the air of efficiency by calling out the militia of Maryland, Delaware, Pennsylvania, and New Jersey; but New Jersey had to watch the force on the Hudson; the slaveholders on the Maryland eastern shore and in the southern county of Delaware were disaffected; the Pennsylvania militia with Washington did not exceed twelve hundred men, and never increased beyond twenty-five hundred.

On the twenty-fourth of August, Washington led the continental army, decorated with sprays of green, through the crowded streets of Philadelphia; the next day he reached Wilmington just as the British anchored in the Elk with the purpose of marching upon Philadelphia by an easy inland route

through an open country which had no difficult passes, no rivers but fordable ones, and was inhabited chiefly by royalists and Quakers. When Sullivan, who had just lost two hundred of the very best men in a senseless expedition to Staten Island, brought up his division, the American army, which advanced to the highlands beyond Wilmington, was not more than half as numerous as the British; but Howe, from the waste of horses on his long voyage, was compelled to wait till others could be provided.

On the third of September the two divisions under Cornwallis and Knyphausen began the march toward Philadelphia; Maxwell and the light troops, composed of drafts of one hundred men from each brigade, occupied Iron Hill, and, after a sharp skirmish in the woods with a body of German yagers and light infantry, withdrew slowly and in perfect order. For two days longer Howe waited, to provide for his wounded men in the hospital-ship of the fleet, and purchase still more means of transportation. Four miles from him, Washington took post behind Red Clay creek, and invited an attack. On the eighth, Howe sent a strong column in front of the Americans to feign an attack, while his main army halted at Milltown. The British and Germans went to rest in full confidence of turning Washington's right on the morrow, and cutting him off from the road to Lancaster. But Washington had divined their purpose, and, by a masterly and really secret movement, took post on the high grounds above Chad's ford on the north side of the Brandywine, directly in Howe's path.

The baggage of the army was sent forward to Chester. A battery of cannon with a good parapet guarded the ford. The American left, resting on a thick, continuous forest along the Brandywine, which below Chad's ford becomes a rapid, encumbered by rocks and shut in by abrupt high banks, was sufficiently defended by Armstrong and the Pennsylvania militia. On the right the river was hidden by thick woods and the unevenness of the country; to Sullivan was assigned the duty of taking "every necessary precaution for the security of that flank;" and the six brigades of his command, consisting of the divisions of Stirling, of Stephen, and his own, were stationed in echelons along the river.

On the tenth the two divisions of the British, led respectively by Knyphausen and Cornwallis, formed a junction at Kennet Square. At five the next morning more than half of Howe's forces, leaving their baggage even to their knapsacks behind them, and led by trusty guides, marched under the general and Cornwallis up the Great Valley road to cross the Brandywine at its forks. About ten o'clock Knyphausen with his column, coming upon the river at Chad's ford, seven miles lower down, halted and began a long cannonade, manifesting no purpose of forcing the passage. Washington had "certain" information of the movement of Howe, and resolved to strike at once at the division in his front, which was less than half of the British army, and was encumbered with the baggage of the whole. As Washington rode up and down his lines the shouts of his men witnessed their confidence, and as he spoke to them in cheering words they clamored for battle. Sending orders to Sullivan to cross the Brandywine at a higher ford, prevent the hasty return of the body with Howe and Cornwallis, and threaten the left flank of Knyphausen, Washington put his troops in motion. Greene with the advance was at the river's edge and about to begin the attack, when a message came from Sullivan announcing that he had disobeyed his orders, that the "information on which these orders were fóunded must be wrong."

The information on which they rested was precisely correct; but the failure of Sullivan overthrew the design, which for success required swiftness of execution. After the loss of two hours, word was brought that the division of Cornwallis had passed the forks and was coming down with the intent to turn the American right. On the instant Sullivan was ordered to confront the advance. Lord Stirling and Stephen posted their troops in two lines on a rounded eminence south-west of Birmingham meeting-house, while Sullivan, who should have gone to their right, marched his division beyond their extreme left, leaving a gap of a half-mile between them, so that he could render no service, and was exposed to be cut off. The general officers, whom he "rode on to consult," explained to him that the right of his wing was unprotected. Upon this, he began to march his division to his proper place. The Brit-

ish troops, which beheld this movement as they lay at rest for a full hour after their long march in the hot day, were led to the attack before he could form his line. His division, badly conducted, fled without their artillery, and could not be rallied. Their flight exposed the flank of Stirling and Stephen. These two divisions, only half as numerous as their assailants, in spite of the "unofficerlike behavior" of Stephen, fought in good earnest, using their artillery from a distance, their muskets only when their enemy was within forty paces; but under the charge of the Hessians and British grenadiers, who vied with each other in fury as they ran forward with the bayonet, the American line continued to break from the right. Conway's brigade resisted well; Sullivan showed personal courage; Lafayette, present as a volunteer, though wounded in the leg while rallying the fugitives, bound up the wound as he could, and kept the field till the close of the battle. The third Virginia regiment, commanded by Marshall and stationed apart in a wood, held out till both its flanks were turned and half its officers and one third its men were killed or wounded.

Howe seemed likely to get in the rear of the continental army and complete its overthrow. But, at the sound of the cannon on the right, Washington, taking with him Greene and the two brigades of Muhlenburg and Weedon, which lay nearest the scene of action, moved swiftly to the support of the wing that had been confided to Sullivan, and in about forty minutes met them in full retreat. His approach checked the pursuit. Cautiously making a new arrangement of his forces, Howe again pushed forward, driving the party with Greene till they came upon a strong position, chosen by Washington, which completely commanded the road, and which a regiment of Virginians under Stevens and another of Pennsylvanians under Stewart were able to hold till nightfall.

In the heat of the engagement the division with Knyphausen crossed the Brandywine in one body at Chad's ford. The left wing of the Americans, under the command of Wayne, defended their intrenchments against an attack in front; but when, near the close of the day, a strong detachment threatened their rear, they made a well-ordered retreat, and were not pursued.

Night was falling, when two battalions of British grenadiers under Meadow and Monckton received orders to occupy a cluster of houses on a hill beyond Dilworth. They marched carelessly, the officers with sheathed swords. At fifty paces from the first house they were surprised by a deadly fire from Maxwell's corps, which lay in ambush to cover the American retreat. The British officers sent for help, but were nearly routed before General Agnew could bring relief. The Americans then withdrew, and darkness ended the contest.

At midnight, Washington from Chester seized the first moment of respite to report to congress his defeat, making no excuses, casting blame on no one, not even alluding to the disparity of forces, but closing with cheering words. His losses, in killed, wounded, and prisoners, were about one thousand, less rather than more. Except the severely wounded, few prisoners were taken. A howitzer and ten cannon, among them two Hessian field-pieces captured at Trenton, were left on the field. Several of the French officers behaved with great gallantry: Mauduit Duplessis; Lewis de Fleury, whose horse was shot under him and whose merit congress recognised by vote; Lafayette, of whom Washington said to the surgeon: "Take care of him as though he were my son." Pulaski the Pole, who on that day showed the daring of adventure rather than the qualities of a commander, was created a brigadier of cavalry.

The loss of the British army in killed and wounded was at least five hundred and seventy-nine, of whom fifty-eight were officers. Of the Hessian officers, Ewald and Wreden received from the elector a military order. Howe showed his usual courage under fire; but nightfall, the want of cavalry, and the extreme fatigue of his army, forbade pursuit.

When congress heard of the defeat at the Brandywine, it directed Putnam to send fifteen hundred continental troops to the commander-in-chief with all possible expedition, and summoned continental troops and militia from Maryland and Virginia. The militia of New Jersey were kept at home by a triple raid of Sir Henry Clinton. The assembly of Pennsylvania, rent by faction, chose this moment to change nearly all its delegates in congress. The people along Howe's route,

being largely Quakers, were friendly or passive. Negro slaves prayed for his success, hoping "that, if the British power should be victorious, all the negro slaves would become free."

Washington, who had marched from Chester to Germantown, after having supplied his men with provisions and forty rounds of cartridges, recrossed the Schuylkill to confront once more the army of Howe, who had been detained near the Brandywine till he could send his wounded to Wilmington. The two chiefs marched toward Goshen. On the sixteenth, Donop and his yagers, who pressed forward too rapidly, were encountered by Wayne; but, before the battle became general, a furious rain set in, which continued all the next night; and the American army, as, from the poor quality of their accoutrements, their cartridges were drenched, were obliged to retire to replenish their ammunition.

It was next the purpose of the British to turn Washington's right, so as to shut him up between the rivers; but he took care to hold the roads to the south as well as to the north and west. Late on the eighteenth Alexander Hamilton, who was ordered to Philadelphia to secure military stores, gave congress notice of immediate danger; and its members, few in number, fled in the night to meet at Lancaster.

When, on the nineteenth, the American army passed through the Schuylkill at Parker's ford, Wayne was left with a large body of troops to fall upon any detached party of Howe's army. On the night following the twentieth, just as he had called up his men to make a junction with another American party, Major-General Grey of the British army, with three regiments, broke in upon them by surprise, and, using the bayonet only, killed, wounded, or took at least three hundred. Darkness and Wayne's presence of mind saved his cannon and the rest of his troops.

The loss opened the way to Philadelphia. John Adams, the head of the board of war, blamed Washington without stint for having crossed to the eastern side of the Schuylkill: "If he had sent one brigade of his regular troops to have headed the militia, he might have cut to pieces Howe's army in attempting to cross any of the fords. Howe will wait for his fleet in Delaware river. Heaven grant us one great soul!

One leading mind would extricate the best cause from that ruin which seems to await it."

While John Adams was writing, Howe moved down the valley and encamped along the Schuylkill from Valley Forge to French creek. There were many fords on the rapid river, which in those days flowed at its will. On the twenty-second a small party of Howe's army forced the passage at Gordon's ford. The following night and morning the main body of the British army crossed at Fatland ford near Valley Forge, and encamped with its left to the Schuylkill. Congress disguised its impotence by voting Washington power to change officers under brigadiers, and by inviting him to support his army upon the country around him. He could not by swift marches hang on his enemy's rear, for more than a thousand of his men were barefoot. Rejoined by Wayne, and strengthened by a thousand Marylanders under Smallwood, he sent a peremptory order to Putnam, who was wildly planning attacks on Staten Island, Paulus Hook, New York, and Long Island, to forward a detachment of twenty-five hundred men "with the least possible delay," and to draw his remaining forces together, so that with aid from the militia of New York and Connecticut "the passes in the Highlands might be perfectly secure." He requested Gates to return the corps of Morgan, being resolved, if he could but be seconded, to force the army of Howe to retreat or capitulate before winter.

On the twenty-fifth that army encamped at Germantown; and the next morning Cornwallis, with the grenadiers, after thirty days had been consumed in a march of fifty-four miles, entered Philadelphia. But it was too late for Howe to send aid to Burgoyne.

On the nineteenth of August, Gates assumed the command of the northern army, which lay nine miles above Albany, near the mouths of the Mohawk. After the return of the battalions with Arnold and the arrival of the corps of Morgan, his continental troops, apart from continental accessions of militia, outnumbered the British and German regulars whom he was to meet. Artillery and small arms from France arrived through Portsmouth, New Hampshire; and New York brought out its resources with exhaustive patriotism.

The war of America was a war of ideas more than of material power. On the ninth of September, Jay, the first chief justice of the new commonwealth of New York, as he opened its supreme court in Kingston, charged the grand jury in these words: "Free, mild, and equal government begins to rise. Divine Providence has made the tyranny of princes instrumental in breaking the chains of their subjects. Whoever compares our present with our former constitution will admit that all the calamities incident to this war will be amply compensated by the many blessings flowing from this glorious revolution. Thirteen colonies immediately become one people, and unanimously determine to be free. The people of this state have chosen their constitution under the guidance of reason and experience. The highest respect has been paid to those great and equal rights of human nature which should forever remain inviolate in every society. You will know no power but such as you create, no laws but such as acquire all their obligation from your consent. The rights of conscience and private judgment are by nature subject to no control but that of the Deity."

Gates, after twenty days of preparation, moved his army to Stillwater, and on the twelfth of September encamped on Behmus's Heights, a spur of hills jutting out nearly to the Hudson, which Kosciuszko had selected as the ground on which their enemy was to be waited for. The army counted nine thousand effectives, eager for action.

For the army of Burgoyne a hundred and eighty boats were hauled by relays of horses over the two portages between Lake George and the river at Saratoga, and laden with provisions for one month. Then calling in all his men, he gave up his connections, and with less than six thousand rank and file he proceeded toward Albany. On the thirteenth his army crossed the Hudson at Schuylerville by a bridge of boats, and encamped within six miles of the American army.

At once Lincoln, carrying out a plan concerted with Gates, sent from Manchester five hundred light troops without artillery, under Colonel John Brown of Massachusetts, to distress the British in their rear. In the morning twilight of the eighteenth Brown surprised the outposts of Ticonderoga, in-

cluding Mount Defiance; and, with the loss of not more than nine killed and wounded, he set free one hundred American prisoners, captured four companies of regulars and others who guarded the new portage between Lake Champlain and Lake George, in all two hundred and ninety-three men with arms and five cannon, and destroyed an armed sloop, gunboats, and other boats to the number of one hundred and fifty below the falls of Lake George, and fifty above them.

The British army, stopping to rebuild bridges and repair roads, advanced scarcely four miles in as many days. The right of the well-chosen camp of the Americans touched the Hudson and could not be assailed; their left was a high ridge of hills; their lines were protected by a breastwork. To get forward, Burgoyne must dislodge them. His army moved on the nineteenth, as on former days, in three columns: the artillery, protected by Riedesel and Brunswick troops, took the road through the meadows near the river; the general led the centre across a deep ravine to a field on Freeman's farm; while Fraser, with the right, made a circuit upon the ridge to occupy heights from which the left of the Americans could be assailed. Indians, Canadians, and tories hovered on the front and flanks of the several columns.

In concurrence with the advice of Arnold, Gates ordered out Morgan's riflemen and the light infantry. They put a picket to flight at a quarter past one, but retired before the division with Burgoyne. Leading his force unobserved through the woods, and securing his right by thickets and ravines, Morgan next fell unexpectedly upon the left of the British central division. To support him, Gates, at two o'clock, sent out three New Hampshire battalions, of which that of Scammel met the enemy in front, that of Cilley took them in flank. Morgan with his riflemen captured a cannon, but could not bring it off; his horse was shot under him in the warm engagement. From half-past two there was a lull of a half-hour, during which Phillips brought more artillery against the Americans, and Gates ordered out two regiments of Connecticut militia under Cook. At three the battle became general, and it raged till after sundown. Fraser sent to the aid of Burgoyne such detachments as he could spare without endanger-

ing his own position, which was the object of the day. At four, Gates ordered out the New York regiment of Cortlandt, followed in a half-hour by that of Henry Livingston. The battle was marked by the obstinate courage of the Americans, but by no manœuvre; man fought against man, regiment against regiment. An American party would capture a cannon, and drive off the British; the British would rally and recover it with the bayonet, but only to fall back before the deadly fire from the wood. The Americans used no artillery; the British employed it with effect; but the commander of their principal battery was killed, and some of his officers and thirty-six out of forty-eight matrosses were killed or wounded. At five, all too late in the day, Brigadier Learned was ordered with his brigade and a Massachusetts regiment to the enemy's rear. Before the sun went down Burgoyne was in danger of a rout; the troops about him wavered, when Riedesel, with a single regiment and two cannon, struggling through the thickets, across a ravine, climbed the hill and charged the Americans on their right flank. Evening was at hand, and those of the Americans who had been engaged for more than three hours had nearly exhausted their ammunition; they withdrew within their lines, taking with them their wounded and a hundred captives. On the British side three major-generals came on the field; on the American side not one, nor a brigadier till near its close. The glory of the day was due to the several regiments of husbandmen, who fought with one spirit and one will, and needed only proper support and an able general to have utterly routed the army of Burgoyne. Of the Americans, praise justly fell upon Morgan of Virginia and Scammel of New Hampshire; none offered their lives more freely than Cilley's continental regiment and the Connecticut militia of Cook. The American loss, including the wounded and missing, proved less than three hundred and twenty; distinguished among the dead was Lieutenant-Colonel Andrew Colburn of New Hampshire. This battle crippled the British force irretrievably. Their loss exceeded six hundred. Of the sixty-second regiment, which left Canada five hundred strong, there remained less than sixty men and four or five officers. "Tell my uncle I died like a soldier,"

were the last words of Hervey, one of its lieutenants, a boy of sixteen, who was mortally wounded. A shot from a rifle, meant for Burgoyne, struck an officer at his side.

The British army passed the night in bivouac under arms; the division of Burgoyne on the field of battle. Morning revealed to them their desperate condition; to former difficulties was added the encumbrance of their wounded. Their dead were buried promiscuously, except that officers were thrown into holes by themselves, in one pit three of the twentieth regiment, of whom the oldest was not more than seventeen.

An attack upon the remains of Burgoyne's division, while it was still disconnected and without intrenchments, was urged by Arnold; but Gates waited for ammunition and more troops. The quarrel between them grew more bitter; and Arnold demanded and received a passport for Philadelphia. Repenting of his rashness, he lingered in the camp, but could not obtain access to Gates, nor a command.

During the twentieth the British general encamped his army on the heights near Freeman's house, so near the American lines that he could not make a movement unobserved. On the twenty-first he received from Sir Henry Clinton a promise of a diversion on Hudson river; and answered that he could maintain his position until the twelfth of October.

Spies of the British watched the condition of Putnam, and he had not sagacity to discover theirs. In his easy manner he suffered a large part of the New York militia to go home; so that he now had but about two thousand men. Sir Henry Clinton, with four thousand troops, feigned an attack upon Fishkill by landing troops at Verplanck's Point. Putnam was duped; and, just as the British wished, retired out of the way to the hills in the rear of Peekskill. George Clinton, the governor of New York, knew the point of danger. With such force as he could collect he hastened to Fort Clinton, while his brother James took command of Fort Montgomery. Putnam should have reinforced their garrisons; instead of it, he ordered troops away from them, and left the passes unguarded. At daybreak on the sixth of October the British and Hessians disembarked at Stony Point; Vaughan, with more than one thousand men, advanced toward Fort Clinton, while a corps of

about a thousand occupied the pass of Dunderberg, and, by a difficult, circuitous march of seven miles, at five o'clock came in the rear of Fort Montgomery. Vaughan's troops were then ordered to storm Fort Clinton with the bayonet. A gallant resistance was made by the governor; but at the close of twilight the British, by the superiority of numbers, forced the works. In like manner Fort Montgomery was carried; but the two commanders and almost all of both garrisons escaped into the forest. A heavy iron chain with a boom had been stretched across the river from Fort Montgomery to Anthony's Nose. Overruling the direction of Governor Clinton, Putnam ordered down two continental frigates for the defence of the chain; but, as they were badly manned, one of them could not be got off in time; the other grounded opposite West Point; and both were set on fire in the night. Fort Constitution, on the island opposite West Point, was abandoned, so that the river was open to Albany. Putnam, receiving large reinforcements from Connecticut, did nothing with them. On the seventh he wrote to Gates: "I cannot prevent the enemy's advancing; prepare for the worst;" and on the eighth: "The enemy can take a fair wind and go to Albany or Half Moon with great expedition and without any opposition." But Sir Henry Clinton, who ought a month sooner to have gone to Albany, garrisoned Fort Montgomery and returned to New York, leaving Vaughan with a large marauding expedition to ascend the Hudson. Vaughan did no more than plunder and burn the town of Kingston and the mansions of patriots along the river.

After the battle of the nineteenth of September the condition of Burgoyne rapidly grew more perplexing. The Americans in his rear broke down the bridges which he had built, and so swarmed in the woods that he could gain no just idea of their situation. His foraging parties and advanced posts were harassed; horses grew thin and weak; the hospital was cumbered with at least eight hundred sick and wounded men. One third part of the soldier's ration was retrenched. While the British army declined in number, Gates was constantly reinforced. On the twenty-second Lincoln arrived, and took command of the right wing; he was followed by two thousand

militia. The Indians melted away from Burgoyne, and by the zeal of Schuyler, contrary to the wiser policy of Gates, a small band, chiefly of Oneidas, joined the American camp. In the evening of the fourth of October, Burgoyne called Phillips, Riedesel, and Fraser to council, and proposed to them by a roundabout march to turn the left of the Americans. To do this, it was answered, the British must, for three days, leave their boats and provisions at the mercy of the Americans. Riedesel advised a swift retreat to Fort Edward; but Burgoyne still continued to wait for a co-operating army from below. On the seventh he agreed to make a grand reconnoissance, and, if the Americans could not be attacked, he would think of a retreat. At eleven o'clock on the morning of that day seven hundred men of Fraser's command, three hundred of Breymann's, and five hundred of Riedesel's, were picked out for the service. The late hour was chosen, that in case of disaster night might intervene for their relief. They were led by Burgoyne, who took with him Phillips, Riedesel, and Fraser. The fate of the army hung on the issue, and not many more than fifteen hundred men could be spared without exposing the camp. They entered a field about half a mile from the Americans, where they formed a line, and sat down in double ranks, offering battle. Their artillery, consisting of eight brass pieces and two howitzers, was well posted; their front was open; the grenadiers under Ackland, stationed in the forests, protected the left; Fraser, with the light infantry and an English regiment, formed the right, which was skirted by a wooded hill; the Brunswickers held the centre. While Fraser sent foragers into a wheat-field, Canadians, provincials, and Indians were to get upon the American rear.

Gates, having in his camp ten or eleven thousand men eager for battle, resolved to send out a force sufficient to overwhelm the detachment. By the advice of Morgan, a simultaneous attack was ordered to be made on both flanks. A little before three o'clock the column of the American right, composed of Poor's brigade, followed by the New York militia under Ten Broeck, unmoved by the well-served grape-shot from two twelve-pounders and four sixes, marched on to engage Ackland's grenadiers; while the men of Morgan were seen making

a circuit, to reach the flank and rear of the British right, upon which the American light infantry under Dearborn impetuously descended. In danger of being surrounded, Burgoyne ordered Fraser with the light infantry and part of the twenty-fourth regiment to form a second line in the rear, so as to secure the retreat of the army. While executing this order, Fraser was hit by a ball from a sharpshooter, and, fatally wounded, was led back to the camp. Just then, within twenty minutes from the beginning of the action, the British grenadiers, suffering from the sharp fire of musketry in front and flank, wavered and fled, leaving Major Ackland, their commander, severely wounded. These movements exposed the Brunswickers on both flanks, and one regiment broke, turned, and fled. It rallied, but only to retreat in less disorder, driven by the Americans. Sir Francis Clarke, Burgoyne's first aid, sent to the rescue of the artillery, was mortally wounded before he could deliver his message; and the Americans took all the eight pieces. In the face of the hot pursuit, no second line could be formed. Burgoyne exposed himself fearlessly; a shot passed through his hat, and another tore his waistcoat; but he was compelled to give the word of command for all to retreat to the camp of Fraser, which lay to the right of head-quarters. As he entered, he betrayed his sense of danger, crying out: "You must defend the post till the very last man!" The Americans pursued with fury. Arnold, who had ridden upon the field without orders, without command, without a staff, and beside himself, like one intoxicated, yet carrying some authority as the highest officer present in the action, gave orders which argued thoughtlessness rather than courage. By his command an attack was made on the strongest part of the British line, and continued for more than an hour, though in vain. Meantime, the brigade of Learned made a circuit and assaulted the quarters of the regiment of Breymann, which flanked the extreme right of the British camp, and was connected with Fraser's quarters by two stockade redoubts, defended by Canadian companies. These intermediate redoubts were stormed by a Massachusetts regiment headed by John Brooks, afterward governor of that state, and with little loss. Arnold, who had joined in this last assault, lost his horse and

was himself badly wounded within the works. Time and the loss of blood restored his senses. The regiment of Breymann was now exposed in front and rear. Its colonel, fighting gallantly, was mortally wounded; some of his troops fled; and the rest, about two hundred in number, surrendered. Colonel Speth, who led a small body of Germans to his support, was taken prisoner. The position of Breymann was the key to Burgoyne's camp; but the directions for its recovery could not be executed. Night ended the battle.

During the fight, neither Gates nor Lincoln appeared on the field. In his report of the action, Gates named Arnold with Morgan and Dearborn; and congress restored Arnold to the rank which he had claimed. The action was the battle of husbandmen, in which men of the valley of Virginia, of Maryland, of Pennsylvania, of New York, and of New England fought together with one spirit for the common cause. The army of Burgoyne was greatly outnumbered, its cattle starving, its hospital cumbered with sick, wounded, and dying. At ten o'clock in the night he gave orders to retreat; but at daybreak he had only transferred his camp to the heights above the hospital. Light dawned, to show the hopelessness of his position.

Fraser questioned the surgeon eagerly as to his wound, and, when he learned that he must die, he cried out in agony: "Damned ambition!" At sunset of the eighth his body, attended by the officers of his family, was borne by soldiers of his corps to the great redoubt above the Hudson where he had asked to be buried; the three major-generals, Burgoyne, Phillips, and Riedesel, and none beside, followed as mourners; and, under the fire of the American artillery, the order for the burial of the dead was strictly observed over his grave.

In the following hours Burgoyne, abandoning the wounded and sick in his hospital, continued his retreat; but, the road being narrow and heavy from rain and the night dark, he made halt two miles short of Saratoga. In the night before the tenth the British army, finding the passage of the Hudson too strongly guarded, forded the Fishkill, and in a very bad position at Saratoga made their last encampment. On the

tenth Burgoyne sent out a party to reconnoitre the road on the west of the Hudson; but Stark, who after the battle of Bennington had been received at home as a conqueror, had returned with more than two thousand men of New Hampshire and held the river at Fort Edward.

At daybreak of the eleventh an American brigade, favored by a thick fog, broke up the British posts at the mouth of the Fishkill and captured all their boats and all their provisions except a short allowance for five days. On the twelfth the British army was completely invested, and every spot in its camp was exposed to rifle shot or cannon. On the thirteenth, Burgoyne for the first time called the commanders of the corps to council, and they were unanimous for treating on honorable terms.

The American army and the freeholders of New York and New England, who had voluntarily risen up to resist the invasion from Canada, had, by their unanimity, courage, and energy, left the British no chance of escape. "The great bulk of the country," wrote Burgoyne, "is undoubtedly with the congress in principle and zeal." When the general who should have directed them remained in camp, their common zeal created a harmonious correspondence of movement, and baffled the officers and veterans opposed to them. Gates, who had never appeared in the field * during the campaign, took to himself the negotiation, and proposed that they should surrender as prisoners of war. Burgoyne replied by the proposal that his army should pass from the port of Boston to Great Britain upon the condition of not serving again in North America during the present contest; and that the officers should retain their carriages, horses, and baggage free from molestation or search, Burgoyne "giving his honor that there are no public stores secreted therein." Gates, uneasy at the news of British forces on the Hudson river, closed with these "articles of convention," and on the seventeenth "the convention was signed." A body of Americans marched to the tune of Yankee Doodle into the lines of the British, who marched out and in mute astonishment laid down their arms with none of the

* Nor was Gates in company with Lincoln when Lincoln was wounded. Correct Gordon, ii., 565, Eng. Ed., by note in N. Y. Doc. Hist., iv., 640.

American soldiery to witness the spectacle. Bread was then served to them, for they had none left, nor flour.

Their number, including officers, was five thousand seven hundred and ninety-one, among whom were six members of parliament. Previously there had been taken eighteen hundred and fifty-six prisoners of war, including the sick and wounded who had been abandoned. Of deserters from the British ranks there were three hundred; so that, including the killed, prisoners, and disabled at Hubbardton, Fort Ann, Bennington, Orisca, the outposts of Ticonderoga, and round Saratoga, the total loss of the British in this northern campaign was not far from ten thousand.

The Americans acquired thirty-five pieces of the best ordnance then known, beside munitions of war, and more than four thousand muskets.

Complaints reached congress that the military chest of the British army, the colors of its regiments, and arms, especially bayonets, had been kept back; and that very many of the muskets which were left behind had been purposely rendered useless.

During the resistance to Burgoyne, Daniel Morgan, from the time of his transfer to the northern army, never gave other than the wisest counsels, and stood first for conduct, effective leadership, and unsurpassable courage on the field of battle; yet Gates did not recommend him for promotion, but asked and soon obtained the rank of brigadier for James Wilkinson, an undistinguished favorite of his own.

CHAPTER XIV.

THE CONTEST FOR THE DELAWARE RIVER. THE CONFEDERATION.

SEPTEMBER–NOVEMBER 1777.

THE approach to Philadelphia by water was still obstructed by a double set of chevaux-de-frise, extending across the channel of the Delaware: one, seven miles from Philadelphia, just below the mouth of the Schuylkill, and protected by Fort Mercer at Red-bank on the New Jersey shore and Fort Mifflin on Mud Island; the other, five miles still nearer the bay, and overlooked by works at Billingsport.

On the second of October a detachment was put across the Delaware from Chester; the garrison at Billingsport, spiking their guns, fled, leaving the lower line of obstructions to be removed without molestation. Faint-heartedness spread along the river; from the water-craft and even from the forts there were frequent desertions both of officers and privates. Washington must act, or despondency will prevail.

The village of Germantown formed for two miles one continuous street. At its centre it was crossed at right angles by Howe's encampment, which extended on the right to a wood, and was guarded on its extreme left by Hessian yagers at the Schuylkill. The first battalion of light infantry and the queen's American rangers were advanced in front of the right wing; the second battalion supported the farthest pickets of the left at Mount Airy, about two miles from the camp; and at the head of the village, in an open field near a large house, built solidly of stone and known as that of Chew, the fortieth regiment under the veteran Musgrave pitched its tents. Information reached Howe of an intended attack, but he received it with incredulity.

About noon on the third, Washington, at Matouchin Hills, announced to his army his purpose to move upon Germantown. He spoke to them of the successes of the northern army, and explained "that Howe, who lay at a distance of several miles from Cornwallis, had further weakened himself by sending two battalions to Billingsport. If they would be brave and patient, he might on the next day lead them to victory." His plan was to direct the chief attack upon the right of the insulated part of the British forces, to which the approach was easy; and, for that purpose, he gave to Greene the command of his left wing, composed of the divisions of Greene and of Stephen and flanked by Macdougall's brigade. These formed about two thirds of his force. The divisions of Sullivan and Wayne, flanked by Conway's brigade and followed by Washington, with the brigades of Nash and Maxwell under Lord Stirling as the reserve, assumed the more difficult task of engaging the British left. To distract attention, the Maryland and New Jersey militia were to make a circuit and come upon the rear of the British right, while on the opposite side Armstrong, with the Pennsylvania militia, was to deal blows on the Hessian yagers.

The different columns received orders to conduct their march of about fourteen miles so as to arrive near the enemy in time to rest, and to begin the attack on all quarters precisely at five o'clock. Accordingly, the right wing, after marching all night, halted two miles in front of the British outpost and took refreshment. Screened by a fog and moving in silence, the advance party at the appointed hour surprised the British picket. The battalion of light infantry offered resistance; but when Wayne's men, closely followed by Sullivan's division, rushed on, the bugle sounded a retreat. The cannon woke Cornwallis in Philadelphia, who instantly ordered British grenadiers and Hessians to the scene of action; Howe, in like manner startled from his bed, rode up just in time to see the battalion running away. "For shame, light infantry!" he cried in anger; "I never saw you retreat before. Form! form! it is only a scouting party." But grape-shot from three of the American cannon rattling about him showed the seriousness of the attack, and he rode off at full speed to prepare

his camp for battle, while Musgrave, detaching a part of his regiment to support the fugitives, threw himself with six companies into Chew's house by the wayside and barricaded its lower windows and doors. The cannon of the Americans were too light to breach its walls.

As nothing was heard from Greene, Sullivan, as he approached Chew's house, directed Wayne to pass to the left of it while he advanced on its right. In this manner the two divisions were separated. The advance was slow, for it was made in line; and the troops wasted their ammunition by an incessant fire. Washington, with Maxwell's part of the reserve, summoned Musgrave to surrender; but the officer who carried the white flag was fired upon and killed. Urged forward by his own anxiety and the zeal of the young officers of his staff, Washington left a single regiment to watch the house, and with the rest of the reserve advanced to the front of the battle.

And where was Greene with the two thirds of the attacking force which had been confided to his command? He reached the British outpost three quarters of an hour behind time; then, at a great distance from the force which he was to have attacked, he formed his whole wing, and in line of battle advanced two miles or more through marshes, thickets, and strong and numerous post-and-rail fences. Irretrievable disorder was the consequence; the line was broken and the divisions became mixed. Macdougall never came into the fight; Greene, with the brigades of Scott and Muhlenberg, entered the village and attacked the British right, which had had ample time for preparation. They were outflanked, and, after about fifteen minutes of heavy firing, were driven back; and the regiment which had penetrated farthest was captured. Stephen with one of his brigades came as far as the left of Wayne's division; the commander of the other, which was on the extreme right of the wing, left the way marked out by his orders and went to Chew's house. There the brigade halted, and with light field-pieces began to play upon its walls. For this cannonade Wayne's division could not account, except by supposing that the British right had gained their rear; and, throwing off all control, they retreated in disorder. Sullivan's

men had expended their ammunition. The English battalions from Philadelphia, advancing on a run, were close at hand. In the fog, parties of Americans had repeatedly mistaken each other for British. At about half-past eight, Washington, who had "exposed himself to the hottest fire," seeing that the day was lost, gave the word to retreat, and sent it to every division. Care was taken for the removal of every piece of artillery. British and German officers of the first rank judged the attack to have been well planned, and that no retreat was ever conducted in better order.

In the official report of this engagement, the commander-in-chief stated with unsparing exactness the tardy arrival of Greene and the wing under his command. The renewal of an attack so soon after the defeat at the Brandywine inspirited congress and the army.

To open the Delaware river, the fleet of Lord Howe, between the fourth and eighth of the month, anchored between Newcastle and Reedy Island. By the middle of October a narrow and intricate channel through the lower obstruction in the river was opened. The upper set of chevaux-de-frise was untouched; and the forts on Red-bank and on Mud Island, which protected it, were garrisoned by continental troops, the former under the command of Colonel Christopher Greene of Rhode Island, the latter of Lieutenant-Colonel Samuel Smith of Maryland. Meantime, from the necessity of concentrating his force, Howe ordered Sir Henry Clinton to abandon Fort Clinton on the Hudson and to send him a reinforcement of "full six thousand men." He removed his army from Germantown to Philadelphia, and raised a line of fortifications from the Schuylkill to the Delaware.

On the morning of the eighteenth a messenger arrived in the American camp, bringing letters from Putnam and Clinton, prematurely but positively announcing the surrender of the army of Burgoyne. Washington received them with joy unspeakable and devout gratitude "for this signal stroke of Providence." "All will be well," he said, "in His own good time."

The news quickly penetrated the British camp. The difficulty of access to the upper chevaux-de-frise in the Delaware

river had delayed its reduction; under a feeling of exasperated impatience, Sir William Howe gave verbal orders to Colonel Donop, who had expressed a wish for a separate command, to carry Red-bank by assault if it could easily be done. On the twenty-second, Donop, with five Hessian regiments and their artillery, four companies of yagers, a few mounted yagers, and two English howitzers, arrived near the fort, which on three sides could be approached through thick woods within four hundred yards. It was a pentagon, with a high earthy rampart, protected in front by an abattis. The battery of eight three-pounders and two howitzers was brought up on the right wing, and directed on the embrasures. At the front of each of the four battalions selected for the assault stood a captain with the carpenters and one hundred men bearing the fascines. Donop, at half-past four, summoned the garrison in arrogant language. A defiance being returned, he addressed a few words to his troops. Each colonel placed himself at the head of his division; and at a quarter before five, under the protection of a brisk cannonade from all their artillery, they ran forward and carried the abattis. On clearing it, they were embarrassed by pitfalls, and were exposed to a terrible fire of small arms and of grape-shot from a concealed gallery, while two galleys, which the bushes had hidden, raked their flanks with chain-shot. Yet the brave Hessians formed on the glacis, filled the ditch, and pressed on toward the rampart. But Donop, the officers of his staff, and more than half the other officers, were killed or wounded; the men who climbed the parapet were beaten down with lances and bayonets; and, as the morning twilight was coming on, the assailants fell back under the protection of their reserve. Many of the wounded crawled into the forest; Donop and a few others were left behind. The survivors marched back during the night unpursued. As the British ships-of-war which had attempted to take part in the attack fell down the river, the Augusta, of sixty-four guns, and the Merlin frigate grounded. The next day the Augusta was set on fire by red-hot shot from the American galleys and floating batteries, and blew up before all her crew could escape; the Merlin was abandoned and burned. From the wrecks the Americans brought off two

twenty-four pounders. "Thank God," reasoned John Adams, "the glory is not immediately due to the commander-in-chief, or idolatry and adulation would have been so excessive as to endanger our liberties."

The Hessians, by their own account, lost in the assault four hundred and two in killed and wounded, of whom twenty-six were officers. Two colonels gave up their lives. Donop, whose thigh was shattered, lingered for three days; to Mauduit Duplessis, who watched over his death-bed, he said: "It is finishing a noble career early; I die the victim of my ambition and of the avarice of my sovereign." This was the moment chosen by Howe to complain of Lord George Germain; to ask the king's leave to resign his command; and to report that there was no prospect of terminating the war without another campaign, nor then, unless large reinforcements should be sent from Europe.

On Burgoyne's surrender, Gates should instantly have detached reinforcements to Washington; but even the corps of Morgan was not returned. The commander-in-chief, therefore, near the end of October, despatched Alexander Hamilton, with authority to demand them. Putnam for a while disregarded the orders borne by Hamilton. Gates detained a very large part of his army in idleness at Albany, under the pretext of an expedition against Ticonderoga, which he did not mean to attack and which the British of themselves abandoned; he neglected to announce his victory to the commander-in-chief. Instead of chiding the insubordination, congress appointed him to regain the forts and passes on the Hudson river. Now Washington had himself recovered these forts and passes by pressing Howe so closely as to compel him to order their evacuation; yet congress forbade Washington to detach from the northern army more than twenty-five hundred men, including the corps of Morgan, without first consulting General Gates and the governor of New York. It was even moved that he should not detach any troops except after consultation with Gates and Clinton; and Samuel Adams, John Adams and Gerry of Massachusetts, with Marchant of Rhode Island, voted for that restriction. Time was wasted by this interference. Besides, while the northern army had been borne on-

ward to victory by the rising of the people, Washington encountered in Pennsylvania internal feuds, and a religious sect which forbade to its members the use of arms.

By the tenth of November the British had completed their batteries on the reedy morass of Province Island, five hundred yards from the American fort on Mud Island, and began an incessant fire from four batteries of heavy artillery. Smith gave the opinion that the garrison could not repel a storming party; but Major Fleury, the French engineer, reported the place to be still defensible. On the eleventh, Smith, having received a slight hurt, passed immediately to Red-bank; the next in rank desired to be recalled; and early on the thirteenth the brave garrison of but two hundred and eighty-six fresh men and twenty artillerists was confided to Major Simeon Thayer of Rhode Island, who had distinguished himself in the expedition against Quebec, and who now volunteered to take the desperate command. Directed by Thayer and Fleury, the garrison held out during an incessant bombardment and cannonade. On the fifteenth, the wind proving fair, the Vigilant carrying sixteen twenty-four pounders, and the hulk of a large Indiaman with three twenty-four pounders, aided by the tide, were warped through an inner channel which the obstructions in the river had deepened, and anchored so near the American fort that they could send into it hand-grenades, and marksmen from the mast of the Vigilant could pick off men from its platform. Five large British ships-of-war, which drew near the chevaux-de-frise, kept off the American flotilla, and sometimes fired on the unprotected side of the fort. The land batteries, now five in number, played from thirty pieces at short distances. The ramparts and block-houses on Mud Island were honeycombed, their cannon nearly silenced. A storming party was got ready; but Sir William Howe, who on the fifteenth was present with his brother, gave orders to keep up the fire all night through. In the evening Thayer sent all the garrison but forty men over to Red-bank, and after midnight followed with the rest. When, on the sixteenth, the British troops entered the fort, they found nearly every one of its cannon stained with blood. Never were orders to defend a place to the last extremity more faithfully executed.

Thayer was reported to Washington as an officer of the highest merit; Fleury won well-deserved promotion from congress.

Cornwallis was next sent by way of Chester to Billingsport with a strong body of troops to clear the left bank of the Delaware. A division under Greene was promptly despatched across the river to give him battle. Cornwallis was joined by five British battalions from New York, while the American reinforcements from the northern army were still kept back. It therefore became necessary to evacuate Redbank. Cornwallis, having levelled its ramparts, returned to Philadelphia, and Green rejoined Washington; but not till Lafayette, who attended the expedition as a volunteer, had secured the applause of congress by routing a party of Hessians. For all the seeming success, many officers in the British camp expressed the opinion that the states could not be subjugated.

From day to day the want of a general government was more keenly felt. While the winter-quarters of the British in Philadelphia were rendered secure by the possession of the river Delaware, congress, which was scoffed at in the British house of lords as a "vagrant" horde, resumed at Yorktown the work of confederation. Of the committee who, in June 1776, had been appointed to prepare the plan, Samuel Adams alone remained a member; and even he was absent when, on the fifteenth of November 1777, "articles of confederation and perpetual union" were adopted, to be submitted for approbation to the several states.

The present is always the lineal descendant of the past. A new form of political life never appears but as a growth out of its antecedents. In civil affairs, as much as in husbandry, seed-time goes before the harvest, and the harvest may be seen in the seed, the seed in the harvest. According to the American theory, the unity of the colonies had, before the declaration of independence, resided in the British king. The congress of the United States was the king's successor, and it inherited only the powers which the colonies themselves acknowledged to have belonged to the crown.

The instincts of local attachment had been strengthened by time and by the excellence of the local governments. Affection could not twine itself round a continental domain of

which the greater part was a wilderness, associated with no recollections. The confederacy was formed under the influence of political ideas which had been developed by a contest of centuries for individual and local liberties against an irresponsible central authority. Now that power had passed to the people, new institutions were required strong enough to protect the union, yet without impairing the liberties of the state or the individual. But America, misled by what belonged to the past, took for her organizing force the principle of resistance to power, which in all the thirteen colonies had been hardened into stubbornness by resistance to oppression.

During the sixteen months that followed the introduction of the plan for confederation prepared by Dickinson, the spirit of separation, fostered by uncontrolled indulgence, and by opposing interests and institutions, visibly increased in congress; and every change in his draft, which of itself proposed only a league of states, diminished the energetic authority which is the first guarantee of liberty.

The United States of America included within their jurisdiction all the territory that had belonged to the old thirteen colonies; and, if Canada would so choose, they were ready to annex Canada.

In the republics of Greece, citizenship had in theory been confined to a body of kindred families, which formed an hereditary caste, a multitudinous aristocracy. Such a system could have no permanent vitality; and the Greek republics, as the Italian republics in after-ages, died out for want of citizens. America adopted the principle of the all-embracing unity of society. As the American territory was that of the old thirteen colonies, so the free people residing upon it formed the free people of the United States. Subject and citizen were correlative terms; subjects of the monarchy became citizens of the republic. He that had owed primary allegiance to the king of England now owed primary allegiance to united America; yet, as the republic was the sudden birth of a revolution, the moderation of congress did not name it treason for the former subjects of the king to adhere to his government; only it was held that whoever chose to remain on the soil, by residence accepted protection and owed allegiance. This is the reason

why, for twelve years, free inhabitants and citizens were in American state papers convertible terms, sometimes used one for the other, and sometimes, for the sake of perspicuity, redundantly joined together.

The king of England claimed as his subjects all persons born within his dominions: in like manner, every one who first saw the light on the American soil was a natural-born American citizen; but the power of naturalization, which, under the king, each colony had claimed to regulate by its own laws, remained under the confederacy with the separate states.

The king had extended protection to every one of his lieges in every one of the thirteen colonies; now that congress was the successor of the king in America, the right to equal protection was continued to every free inhabitant in whatever state he might sojourn or dwell.

It had been held under the monarchy that each American colony was as independent of England as the electorate of Hanover; in the confederacy of "the United States of America," each state was to remain an independent sovereign, and the union was to be no more than an alliance. This theory decided the manner in which congress should vote. Pennsylvania and Virginia asked that, while each state might have at least one delegate, the rule should be one for every fifty thousand inhabitants; but the amendment was rejected by nine states against two, Delaware being absent and North Carolina divided. Virginia would have allowed to each state one member of congress for every thirty thousand of its inhabitants, and in this she was supported by John Adams; but his colleagues cast the vote of Massachusetts against it, and Virginia was left alone, North Carolina as before being equally divided. Virginia, again supported by John Adams, desired that the representation for each state should be in proportion to its contribution to the public treasury; but this was opposed by every other state, including North Carolina and Massachusetts. At last, with only one state divided and no negative voice but that of Virginia, an equal vote in congress was acknowledged to belong to each sovereign state. The number of delegates to give that vote might be not less than two nor more than seven for each state. The remedy for this inequality en-

hanced the evil and foreboded anarchy; while each state had one vote, "great and very interesting questions" could be carried only by the concurrence of nine states. If the advice of Samuel Adams had been listened to, the vote of nine states would not have prevailed, unless they represented a majority of the people of all the states. For the transaction of less important business, an affirmative vote of seven states was required. In other words, in the one case the assent of two thirds of all the states, in the other of a majority of them all, was needed, the absence of any state having the force of a negative vote.

The king's right to levy taxes in the colonies by parliament or by his prerogative had been denied, and no more than a power to make requisitions had been conceded: in like manner it was assumed as a fundamental article that the United States in congress assembled shall never impose or levy any tax or duties, but only make requisitions for money on the several states; and this restriction, such was the force of usage, was accepted without remark. No one explained the distinction between a superior power wielded by an hereditary king in another hemisphere and a superior power which should be the chosen expression of the will and reason of the nation. The country had broken with the past in declaring independence; it went back into bondage to the past in forming its first constitution. The king might establish a general post-office, it had been held, for public convenience, not for a purpose of revenue: in like manner congress might authorize rates of postage to defray the expense of transporting the mails. The colonies under the king had severally levied import and export duties; the same power was reserved to each separate state, to be limited only by the proposed treaties with France and Spain.

The new republic was left without any independent revenue, and the charges of the government, its issues of paper money, its loans, were to be ultimately defrayed through requisitions for the quotas assessed upon the separate states. The difference between the North and the South growing out of the institution of slavery decided the rule for the distribution of these quotas. By the draft of Dickinson, taxation was

to be in proportion to the census of population, in which slaves were to be enumerated. On the thirteenth of October 1777, it was moved that the sum to be paid by each state into the treasury should be ascertained by the value of all property within each state. This was promptly negatived, and was followed by a motion having for its object to exempt slaves from taxation altogether. On the following day eleven states were present. The four of New England voted in the negative; Maryland, Virginia, and the two Carolinas in the affirmative. Robert Morris of Pennsylvania against Roberdeau, and Duer of New York against Duane, voted with the South, and so the votes of their states were divided and lost. The decision rested on New Jersey, and she gave it for the complete exemption from taxation of all property in slaves. This is the first important division between slaveholding states and the states where slavery was of little account. The rule for apportioning the revenue, as finally adopted, was the respective value of land granted or surveyed, and the buildings and improvements thereon, without regard to personal property or numbers. This rendered the confederacy nugatory; for congress had not power to make the valuation.

In like manner the rules for navigation were to be established exclusively by each separate state, and the confederation did not take to itself power to countervail the restrictions of foreign governments, or to form agreements of reciprocity, or even to establish uniformity. These arrangements suited the opinions of the time; the legislature of New Jersey, vexed by the control of New York over the waters of New York bay, alone proposed as an amendment a grant of greater power over foreign commerce. Moreover, each state decided for itself what imports it would permit and what it would prohibit. As a consequence, the confederate congress was left without power to sanction or to stop the slave-trade.

The king had possessed all land not alienated by royal grants. On the declaration of independence, the royal quit-rents ceased to be paid; and each state assumed the ownership of the royal domain within its limits. The validity of the act of parliament which transferred the region north-west of the Ohio to the province of Quebec was denied by all; but

the states which by their charters extended indefinitely west, or west and north-west, refused to accept the United States as the umpire to settle their boundaries, except with regard to each other.

Jealousy of a standing army and the superiority of the civil over the military power were among the dearest traditions of English liberty. It was borne in mind that victorious legions revolutionized Rome; that Charles I. sought to overturn the institutions of England by an army; that by an army Charles II. was brought back without conditions; that by a standing army, which Americans themselves were to have been taxed to maintain, it had been proposed to abridge American liberties. In congress this distrust of military power existed all the more for the confidence and undivided affection which the people bore to the American commander-in-chief, and has for its excuse that human nature was hardly supposed able to furnish an example of a military liberator of his country, desirous after finishing his work to go into private life. We have seen how earnestly Washington endeavored to establish an army of the United States. His plan, which, at the time it was proposed, congress did not venture to reject, was now deliberately demolished. To prevent a homogeneous organization, it not only left to each of them the exclusive power over its militia, but the exclusive appointment of the regimental officers in its quota of land forces for the general service.

As in England, so in America, this jealousy did not extend to maritime affairs; the separate states had no share in the appointment of officers in the navy.

As the king in England, so the United States determined on peace and war, sent ambassadors to foreign powers, and entered into treaties and alliances; but, beside their general want of executive power, the grant to make treaties of commerce was limited by the power reserved to the states over imports and exports, over shipping and revenue.

The right of coining money, the right of keeping up ships-of-war, land forces, forts, and garrisons, were shared by congress with the respective states. No state, Massachusetts not more than South Carolina, would subordinate its law of treason to the will of congress. The formation of a class of national

statesmen was impeded by the clause which forbade any man to sit in congress more than three years out of six; nor could the same member of congress be appointed its president more than one year in any term of three years. No executive distinct from the general congress could be detected in the system. Judicial power over questions arising between the states was provided for; and courts might be established to exercise primary jurisdiction over crimes committed on the high seas, with appellate jurisdiction over captures, but there was scarcely the rudiment of a judiciary from which a court for executing the ordinances of congress could be developed. Congress was incapable of effectual supervision over officers of its own appointment and in its own service. The report of Dickinson provided for a council; but this was narrowed down to "a committee of states," to be composed of one delegate from each state, with no power whatever respecting important business, and no power of any kind except that with which congress, "by the consent of nine states," might invest them from time to time.

Each state retained its sovereignty, and all power not expressly delegated. Under the king of England, the use of the veto in colonial legislation had been complained of. There was not even a thought of vesting congress with a veto on the legislation of states, or subjecting such legislation to the revision of a judicial tribunal. Each state, being esteemed independent and sovereign, had exclusive, full, and final powers in every matter relating to domestic police and government, to slavery and manumission, to the conditions of the elective franchise; and the restraints required to secure loyalty to the central government were left to be self-imposed. Incidental powers to carry into effect the powers granted to the United States were withheld.

To complete the security against central authority, the articles of confederation were not to be adopted except by the assent of every one of the legislatures of the thirteen separate states; and no amendment might be made without an equal unanimity. A government which had not power to levy a tax, or raise a soldier, or deal directly with an individual, or keep its engagements with foreign powers, or amend its

constitution without the unanimous consent of its members, had not enough of vital force to keep itself alive. But a higher spirit moved over the darkness of that formless void. Notwithstanding the defects of the confederation, the congress of the United States, inspired by the highest wisdom of the eighteenth century, and seemingly without debate, imbodied in their work four capital results, which Providence in its love for the human race could not let die.

The republics of Greece and Rome had been essentially no more than governments of cities. When Rome exchanged the narrowness of the ancient municipality for cosmopolitan expansion, the republic, from the false principle on which it was organized, became an empire. The middle ages had free towns and cantons, but no national republic. Congress had faith that one republican government could comprehend a continental territory, even though it should extend from the Gulf of Mexico to the uttermost limit of Canada and the eastern limit of Newfoundland.

Having thus proclaimed that a republic may equal the widest empire in its bounds, the relation of the United States to the natural rights of their inhabitants was settled with superior wisdom. Some of the states had, each according to its prevailing superstition or prejudice, narrowed the rights of classes of men. One state disfranchised Jews, another Catholics, another deniers of the Trinity, another men of a complexion different from white. The United States in congress assembled, suffering the errors in one state to eliminate the errors in another, rejected every disfranchisement and superadded none. The declaration of independence said, all men are created equal; by the articles of confederation and perpetual union, free inhabitants were free citizens.

That which gave reality to the union was the article which secured to "the free inhabitants" of each of the states "all privileges and immunities of free citizens in the several states." Congress appeared to shun the term "people of the United States." It is nowhere found in their articles of confederation, and rarely and only accidentally in their votes; yet by this act they constituted the free inhabitants of the different states one people. When the articles of confederation reached South

Carolina for confirmation, it was perceived that they secured equal rights of inter-citizenship in the several states to the free black inhabitant of any state. This concession was opposed in the legislature of South Carolina, and, after an elaborate speech by William Henry Drayton, the articles were returned to congress with a recommendation that inter-citizenship should be confined to the white man; but congress, by a vote of eight states against South Carolina and Georgia, one state being divided, refused to recede from the universal system on which American institutions were to be founded. The decision was not due to impassioned philanthropy: slavery at that day existed in every one of the thirteen states; and, notwithstanding many men South as well as North revolted at the thought of continuing the institution, custom scarcely recognised the black man as an equal; yet congress, with a fixedness of purpose resting on a principle, would not swerve from its position. For, when it resolved upon independence and had to decide on whom a demand could be made to maintain that independence, it defined as members of a colony all persons abiding within it and deriving protection from its laws. Now, therefore, when inter-state rights were to be confided to the members of each state, it looked upon every freeman who owed primary allegiance to the state as a citizen of the state. The free black inhabitant owed allegiance, and was entitled to equal civil rights, and so was a citizen. Congress, while it left the regulation of the elective franchise to the judgment of each state, in the articles of confederation, in its votes and its treaties with other powers, reckoned all the free inhabitants, without distinction of ancestry, creed, or color, as subjects or citizens. But America, though the best representative of the social and political acquisitions of the eighteenth century, was not the parent of the idea in modern civilization that man is a constituent member of the state of his birth, irrespective of his ancestry. It was already the public law of Christendom. Had America done less, she would have been a laggard among the nations.

One other life-giving excellence distinguished the articles of confederation. The instrument was suffused with the idea of securing the largest liberty to individual man. In the ancient Greek republic, the state existed before the individual

and absorbed the individual. Thought, religious opinion, worship, conscience, amusements, joys, sorrows, all activities were regulated by the state; the individual lived only as an integral part of the state. A declaration of rights is a declaration of those liberties of the individual which the state cannot justly control. The Greek system of law knew nothing of such liberties; the Greek citizen never spoke of the rights of man; the individual was merged in the body politic. At last a government founded on consent could be perfected; for the acknowledgment that conscience has its rights had broken up the unity of despotic power, and confirmed the freedom of the individual. Because there was life in all the parts, there was the sure promise of a well-organized life in the whole.

Yet the young republic failed in its first effort at forming a general union. The smoke in the flame overpowered the light. "The articles of confederation endeavored to reconcile a partial sovereignty in the union with complete sovereignty in the states, to subvert a mathematical axiom by taking away a part and letting the whole remain." The polity then formed could hardly be called an organization, so little did the parts mutually correspond and concur to the same final actions. The system was imperfect, and was acknowledged to be imperfect. A better one could not then have been accepted; but with all its faults it contained the elements for the evolution of a more perfect union. The sentiment of nationality was forming. The framers of the confederacy would not admit into that instrument the name of the people of the United States, and described the states as so many sovereign and independent communities; yet already in the circular letter of November 1777 to the states, asking their several subscriptions to the plan of confederacy, they avowed the purpose to secure to the inhabitants of all the states an "existence as a free people." The child that was then born was cradled between opposing powers of evil; if it will live, its infant strength must strangle the twin serpents of separatism and central despotism.

CHAPTER XV.

THE WINTER AT VALLEY FORGE. BRITAIN IN WANT OF TROOPS.

NOVEMBER 1777–APRIL 1778.

WHEN at last Washington was joined by troops from the northern army, a clamor arose for the capture of Philadelphia. Protected by the Schuylkill and the Delaware, the city could be approached only from the north, and on that side a chain of fourteen redoubts extended from river to river. Moreover, the army by which it was occupied, having been reinforced from New York by more than three thousand men, exceeded nineteen thousand. Four American officers voted in council for an assault upon the lines of this greatly superior force; but the general, sustained by eleven, disregarded the murmurs of congress and rejected "the mad enterprise."

With quickness of eye he selected in the woods of Whitemarsh strong ground for an encampment, and there, within fourteen miles of Philadelphia, awaited the enemy, of whose movements he received exact and timely intelligence. On the severely cold night of the fourth of December the British, fourteen thousand strong, marched out to attack the American lines. Before daybreak on the fifth their advance party halted on a ridge beyond Chestnut Hill, eleven miles from Philadelphia, and at seven their main body formed in one line, with a few regiments as reserves. The Americans occupied thickly wooded hills, with a morass and a brook in their front. Opposite the British left wing a breastwork defended the only point where the brook could be easily forded. At night the British force rested on their arms. Washington passed the hours in strengthening his position; and though, according

to Kalb who was present, he had but seven thousand really effective men, he wished for an engagement. Near the end of another day Howe marched back to Germantown, and on the next, as if intending a surprise, suddenly returned upon the American left, which he made preparations to assail. Washington delivered in person to each brigade his orders on the manner of receiving their enemy, exhorting to a reliance on the bayonet. All day long, and until eight in the evening, Howe kept up his reconnoitring, but found the American position everywhere strong by nature and by art. Nothing occurred but a sharp action on Edge Hill between light troops under Gist and Morgan's riflemen and a British party led by General Grey. The latter lost eighty-nine in killed and wounded; the Americans, twenty-seven, among them the brave Major Morris of New Jersey. On the eighth, just after noon, the British suddenly marched by the shortest road to Philadelphia. Their loss in the expedition exceeded one hundred. The rest of the season Howe made no excursions except for food or forage; and Washington had no choice but to seek winter-quarters for his suffering soldiers; while Gates, with Conway and Mifflin, formed a cabal to drive Washington into retirement and put Gates in his place.

Military affairs had thus far been superintended by a congressional committee. After some prelude, in July 1777, it was settled in the following October to institute an executive board of war of five persons not members of congress.

Conway, a French officer of Irish descent, had long been eager for higher rank. In a timely letter to Richard Henry Lee, a friend to Conway, Washington wrote: "His merits exist more in his own imagination than in reality; it is a maxim with him not to want anything which is to be obtained by importunity;" his promotion would be "a real act of injustice," likely to "incur a train of irremediable evils. To sum up the whole, I have been a slave to the service; I have undergone more than most men are aware of to harmonize so many discordant parts; but it will be impossible for me to be of any further service if such insuperable difficulties are thrown in my way." Conway breathed out his discontent to Gates, writing in substance: "Heaven has been determined to save

your country, or a weak general and bad counsellors would have ruined it." The correspondents of Gates did not scruple in their letters to speak of the commander-in-chief with bitterness or contempt. "This army," wrote Reed, "notwithstanding the efforts of our amiable chief, has as yet gathered no laurels. I perfectly agree with that sentiment which leads to request your assistance." On the seventh, Mifflin, leaving his office of quartermaster-general, of which he had neglected the duties, yet retaining the rank of major-general, was elected to the board of war. The injurious words of Conway having through Wilkinson been made known to Washington, on the ninth he communicated his knowledge of them to Conway, and to him alone. Conway in an interview justified them, made no apology, and after the interview reported his defiance of Washington to Mifflin. On the tenth, Sullivan, knowing the opinion of his brother officers and of his chief, and that on a discussion at a council of war about appointing an inspector-general Conway's pretensions met with no favor, wrote to a member of congresss: "No man can behave better in action than General Conway; his regulations in his brigade are much better than any in the army; his knowledge of military matters far exceeds any officer we have. If the office of inspector-general with the rank of major-general was given him, our army would soon cut a different figure from what they now do." On the same day Wayne expressed his purpose "to follow the line pointed out by the conduct of Lee, Gates, and Mifflin." On the eleventh, Conway, foreseeing that Gates was to preside at the board of war, offered to form for him a plan for the instruction of the army; and, on the fifteenth, to advance his intrigue, he tendered his resignation to congress. On the seventeenth, Lovell of Massachusetts wrote to Gates, threatening Washington "with the mighty torrent of public clamor and vengeance," and subjoined: "How different your conduct and your fortune! this army will be totally lost unless you come down and collect the virtuous band who wish to fight under your banner." On the twenty-first, Wayne, forgetting the disaster that had attended his own rashness, disparaged Washington as having more than once slighted the favors of fortune. On the twenty-fourth, congress received

the resignation of Conway, and referred it to the board of war, of which Mifflin at that time was the head. On the twenty-seventh they filled the places in that board, and appointed Gates its president. On the same day Lovell wrote to Gates: "We want you in different places; we want you most near Germantown. Good God, what a situation we are in! how different from what might have been justly expected!" and he represented Washington as a general who collected astonishing numbers of men to wear out stockings, shoes, and breeches, and "Fabiused affairs into a very disagreeable posture." On the twenty-eighth, congress, by a unanimous resolution, declared in favor of carrying on a winter's campaign with vigor and success, and sent three of its members to direct every measure which circumstances might require. On the same day Mifflin, explaining to Gates how Conway had braved the commander-in-chief, volunteered his own opinion that the extract from Conway's letter was a "collection of just sentiments." Gates, on receiving the letter, wrote to Conway: "You acted with all the dignity of a virtuous soldier." He wished "so very valuable and polite an officer might remain in the service." To congress he complained that his correspondence had been betrayed to Washington, with whom he came to an open rupture. On the thirteenth of December congress, following Mifflin's report, appointed Conway inspector-general, promoted him to be a major-general, made his office independent of the commander-in-chief, and referred him to the board of war for the regulations which he was to introduce. Some of those engaged in the cabal, "which had its supporters exclusively in the North," wished to provoke Washington to resign his place.

This happened just as Washington at Whitemarsh had closed the campaign with honor. The problem which he must next solve was to keep together through the cold winter an army without tents, and to confine the British to the environs of Philadelphia. There was no town which would serve the purpose. Valley Forge, on the Schuylkill, but twenty-one miles from Philadelphia, admitted of defence against the artillery of those days, and had more than one route convenient for escape into the interior. The ground lay between two ridges of hills,

and was covered by a thick forest. As his men moved toward the spot, they were in need of clothes and blankets and shoes, as well as tents, and were almost as often without provisions as with them. On the nineteenth they arrived at Valley Forge, with no covering. From his life in the woods, Washington could see in the trees a town of log cabins, built in regular streets, and affording shelter enough to save the army from dispersion. The order for their erection was received by officers and men as impossible of execution; and they were astonished at the ease with which, as the work of their Christmas holidays, they changed the forest into huts thatched with boughs in the order of a regular encampment.

Washington was followed to Valley Forge by letters from congress transmitting the remonstrance of the council and assembly of Pennsylvania against his going into winter-quarters. To this reproof Washington, on the twenty-third, after laying deserved blame upon Mifflin for neglect of duty as quartermaster-general, replied: "For the want of a two days' supply of provisions, an opportunity scarcely ever offered of taking an advantage of the enemy that has not been either totally obstructed or greatly impeded. Men are confined to hospitals, or in farmers' houses for want of shoes. We have this day no less than two thousand eight hundred and ninety-eight men in camp unfit for duty, because they are barefoot and otherwise naked. Our whole strength in continental troops amounts to no more than eight thousand two hundred in camp fit for duty. Since the fourth instant our numbers fit for duty from hardships and exposures have decreased nearly two thousand men. Numbers still are obliged to sit all night by fires. Gentlemen reprobate the going into winter-quarters as much as if they thought the soldiers were made of stocks or stones. I can assure those gentlemen that it is a much easier and less distressing thing to draw remonstrances in a comfortable room by a good fireside than to occupy a cold, bleak hill, and sleep under frost and snow without clothes or blankets. However, although they seem to have little feeling for the naked and distressed soldiers, I feel superabundantly for them, and from my soul I pity those miseries which it is neither in my power to relieve or prevent."

While the shivering soldiers were shaping the logs for their cabins, the clamor of the Pennsylvanians continued; and, the day after Christmas, Sullivan, who held with both sides, gave his written advice to Washington to yield and attack Howe in Philadelphia, "risking every consequence in an action." On the last day of the year an anonymous writer in the "New Jersey Gazette," at Trenton, supposed to be Benjamin Rush, began a series of articles under the name of a French officer, to set forth the unrivalled glory of Gates, who had conquered veterans with militia, pointing out plainly Washington's successor.

The next year opened gloomily at Valley Forge. To the touching account of the condition of the army, congress, which had not provided one magazine for winter, made no response except a promise to the soldiers of one month's extra pay, and a renewal of authority to take the articles necessary for their comfortable subsistence. On the fifth of January 1778, Washington renewed his remonstrances: "It will never answer to procure supplies of clothing or provision by coercive measures. Such procedures may give a momentary relief, but, if repeated, besides spreading disaffection, jealousy, and fear among the people, never fail, even in the most veteran troops under the most rigid and exact discipline, to raise in the soldiery a disposition to plunder, difficult to suppress, and not only ruinous to the inhabitants, but, in many instances, to armies themselves. I regret the occasion that compelled us to the measure the other day, and shall consider it among the greatest of our misfortunes if we should be under the necessity of practicing it again." Still, congress did no more than, on the tenth and twelfth of January, appoint Gates and Mifflin, with four or five others, to repair to head-quarters and concert reforms.

While those who wished the general out of the way urged him to some rash enterprise, or sent abroad rumors that he was about to resign, Benjamin Rush, in a letter to Patrick Henry, represented the army of Washington as having no general at their head, and went on to say: "A Gates, a Lee, or a Conway would in a few weeks render them irresistible. Some of the contents of this letter ought to be made public, in order to awaken, enlighten, and alarm our country." This communi-

cation, to which Rush did not sign his name, Patrick Henry received with scorn, and noticed only by sending it to Washington. An anonymous paper of the like stamp, transmitted to Henry Laurens, then president of congress, took the same direction. Meantime, the council and assembly of Pennsylvania renewed to congress their wish that Philadelphia might be recovered and the British driven away. Congress hailed the letter as proof of a rising spirit, and directed the committee appointed to go to camp to consult on the desired attack with the government of Pennsylvania and with General Washington.

Conway having vainly striven to alienate Lafayette from Washington, and even to induce him to abandon the United States, the board of war sought to entice the young representative of France by dazzling him with ideas of glory. In concert with Conway, and without consulting Washington, they induced congress to sanction a winter expedition against Canada, under Lafayette, who was not yet twenty-one years old, with Conway for his second in command, and with Stark. At a banquet given in his honor by Gates at Yorktown, Lafayette braved the intriguers, and made them all drink his toast to the health of their general. Assured by Gates that he would command an army of three thousand men, and that Stark would have already destroyed the shipping at St. John's, Lafayette, having obtained from congress Kalb as his second, and Washington as his direct superior, repaired to Albany. There the three major-generals of the expedition met, and were attended or followed by twenty French officers. Stark wrote for orders. The available force for the conquest, counting a regiment which Gates detached from the army of Washington, did not exceed a thousand. For these there was no store of provision, nor clothing suited to the climate of Canada, nor means of transportation. Two years' service in the northern department cannot leave to Gates the plea of ignorance; his plan showed his utter want of administrative capacity; it accidentally relieved the country of Conway, who, writing petulantly to congress, found his resignation, which he had meant only as a complaint, irrevocably accepted. Lafayette and Kalb were recalled.

Slights and selfish cabals could wound the sensibility, but

not affect the conduct of Washington. His detractors took an unfair advantage, for he was obliged to conceal the weakness of his army from the enemy, and therefore from the public. To William Gordon, who was gathering materials for a history of the war, he wrote freely: "Neither interested nor ambitious views led me into the service. I did not solicit the command, but accepted it after much entreaty, with all that diffidence which a conscious want of ability and experience equal to the discharge of so important a trust must naturally excite in a mind not quite devoid of thought; and, after I did engage, pursued the great line of my duty and the object in view, as far as my judgment could direct, as pointedly as the needle to the pole. No person ever heard me drop an expression that had a tendency to resignation. The same principles that led me to embark in the opposition to the arbitrary claims of Great Britain operate with additional force at this day; nor is it my desire to withdraw my services, while they are considered of importance to the present contest. There is not an officer in the service of the United States that would return to the sweets of domestic life with more heartfelt joy than I should, but I mean not to shrink in the cause."

In his remonstrances with congress he wrote with plainness, but with moderation. His calm dignity alike irritated and overawed his adversaries; and nothing could shake the confidence of the people, or divide the affections of the army, or permanently distract the majority of congress. Those who had been most ready to cavil at him soon wished their rash words benevolently interpreted or forgotten. Gates denied the charge of being in a league to supersede Washington as a wicked, false, diabolical calumny of incendiaries, and would not believe that any such plot existed; Mifflin exonerated himself in more equivocal language; and both retired from the committee that was to repair to head-quarters. The French minister loudly expressed to the officers from his country his disapprobation of their taking part in any cabal whatever. In the following July, Conway, thinking himself mortally wounded in a duel, wrote to Washington: "My career will soon be over; therefore justice and truth prompt me to declare my last sentiments. You are in my eyes the great and

good man. May you long enjoy the love, veneration, and esteem of these states, whose liberties you have asserted by your virtues." The committee, which toward the end of January was finally sent to consult with Washington, was composed exclusively of members of congress; and the majority of them, especially Charles Carroll of Maryland and John Harvey of Virginia, were his friends. They discerned at once the falsehood of the rumors against Washington. John Harvey said to him: "If you had but explained yourself, these reports would have ceased long ago." And his answer was: "How could I have thrown off the blame without doing injury to the common cause?" * But, in the procrastination of active measures of relief, the departments of the quartermaster and commissary remained like clocks with so many checks that they cannot go. Even so late as the eleventh of February, Dana, one of the committee, reported that men died for the want of straw or other bedding to raise them from the cold, damp earth. Inoculation was for a like reason delayed. Almost every species of camp-transportation was performed by men who, without a murmur, yoked themselves to little carriages of their own making, or loaded their fuel and provisions on their backs. Sometimes fuel was wanting, when for want of shoes and stockings they could not walk through the snow to cut it in the neighboring woods. Some brigades had been four days without meat. For days together the army was without bread. There was danger that the troops would perish from famine or disperse in search of food.

All this time the British soldiers in Philadelphia were well provided for, and the officers quartered upon the inhabitants. The days were spent in pastime, the nights in entertainments. By a proportionate tax on the pay and allowances of each officer, a house was opened for daily resort and for weekly balls, with a gaming-table, and a room devoted to the players of chess. Thrice a week dramas were enacted by amateur performers. The curtain painted by André was greatly admired. The officers, among whom all ranks of the British aristocracy were represented, lived in open licentiousness. At a grand review, an English girl, mistress of a colonel and dressed in the colors

* Mazzei: Recherches, iv., 120.

of his regiment, drove down the line in her open carriage with great ostentation. The pursuit of pleasure was so eager that an attack in winter was not added to the trials of the army at Valley Forge, even though at one time it was reduced to five thousand men.

During the winter the members present in congress were sometimes only nine, rarely seventeen; of former members, Franklin, Jefferson, John Rutledge, Jay, and others were employed elsewhere, and John Adams had recently been elected to succeed Deane as commissioner in France. The want of power explains the inefficiency of congress. It proposed in January to borrow ten millions of dollars, but it had no credit. So in January, February, and March two millions of paper money were ordered to be issued, and in April six and a half millions more. These emissions were rapidly followed by corresponding depreciations. When the currency lost its value, congress would have had the army serve on from disinterested patriotism; but Washington pointed out the quality in human nature which does not permit practical affairs to be conducted through a succession of years by a great variety of persons without regard to equitable interests and just claims; and, after months of resistance, officers who should serve to the end of the war were promised half-pay for seven years, privates a sum of eighty dollars.

The opportunity of keeping up an army by voluntary enlistments having been thrown away by the jealousy of congress, Washington, in February, in a particular manner laid before the congressional committee of arrangement, then with the army at Valley Forge, a plan of an annual draft as the surest and most certain, if not the only, means left for conducting the war "on a proper and respectable ground." Toward the end of the month congress adopted the advice, but changed its character to that of a transient expedient. It directed the continental battalions of all the states, except South Carolina and Georgia, to be completed by drafts from their militia, but limited the term of service to nine months. The execution of the measure was unequal, for it depended on the good-will of the several states; but the scattered villages paraded their militia for the draft with sufficient regularity to

save the army from dissolution. Varnum, a brigadier of Rhode Island, proposed the emancipation of slaves in that state, on condition of their enlisting in the army for the war. The scheme approved by Washington, and by him referred to Cooke, the governor of the state, was accepted. Every able-bodied slave in Rhode Island received by law liberty to enlist in the army for the war. On passing muster, he became free and entitled to all the wages and encouragements given by congress to any soldier. The state made some compensation to their masters.

Unable to force a defaulting agent to a settlement, congress in February asked the legislatures of the several states to enact laws for the recovery of debts due to the United States; and it invited the supreme executive of every state to watch the behavior of all civil and military officers of the United States in the execution of their offices.

The regulation of the staff of the army was shaped by Joseph Reed, now a member of congress and of the committee sent by congress to the camp. Notwithstanding the distresses of the country, the system was founded on the maxim of large emoluments, especially for the head of the quartermaster's department; and for that head Greene was selected, with two family connections of Reed as his assistants. The former was to be with the army; the other two, of whom one was superfluous, were stationed near congress, and, by an agreement among themselves, the emoluments in the shape of commissions were to be divided equally between the three. All subordinate appointments were to be made by the quartermaster-general himself, and their emoluments were likewise to be derived from commissions. The system was arranged and carried through congress independently of Washington, who, though repeatedly solicited, would never sanction it by his approval. Greene was importunate in his demands to retain the command of a division; on that point Washington was inflexible. After more than another month the system of centralization was extended to the commissary department. To increase his profits by furnishing supplies to the army, Greene did not scruple to enter into a most secret partnership with the head of that department, a third partner, not in office,

being the only one known to the public. When he was censured for his desire of gaining wealth from his office as quartermaster-general, he offered the excuse that, as he made a sacrifice of his command of a division and so of his chances of glory in the field, he had a right to be compensated by large emoluments.

The place of inspector-general fell to Baron Steuben, a Prussian officer, then forty-seven years of age. The high military rank which he assumed without right but without question, the good opinion of Vergennes and Saint-Germain, the recommendation of Franklin, the halo of having served during the seven years' war under the great Frederic, and real merit, secured for him an appointment as major-general. On the twenty-third of February he was welcomed to Valley Forge. He benefited the country of his adoption by "introducing into the army a regular formation and exact discipline, and by establishing a spirit of order and economy in the interior administration of the regiments." *

Yet there remained a deeply seated conflict of opinion between congress and the commander-in-chief on questions of principle and policy. Washington would from the first have had men enlisted for the war; congress, from jealousy of standing armies, had insisted upon short enlistments. Washington wished the exchange of prisoners to be conducted on one uniform rule; congress required a respect to the law of treason of each separate state. Washington would have one continental army; congress, an army of thirteen sovereignties. Congress was satisfied with the amount of its power as a helpless committee; Washington wished a union with efficient powers of government. Congress guarded separate independence; the patriotism of Washington took a wider range, and in return the public affection, radiating from every part of the United States, met in him. All this merit, and this popularity, and the undivided attachment of the army, made congress more sensible of their own relative weakness. They felt that their perfect control over the general was due to his own nature, and that nature could not be fully judged of before the end. Nor was it then known how completely the safety

* Hamilton's Works, ii., 229.

of the country against military usurpation lay in the character of the American people.

To allay the jealousy of congress, Washington, on the twenty-first of April, wrote to one of its delegates: "Under proper limitations it is certainly true that standing armies are dangerous to a state. The prejudices of other countries have only gone to them in time of peace, and from their being hirelings. It is our policy to be prejudiced against them in time of war, though they are citizens, having all the ties and interests of citizens, and in most cases property totally unconnected with the military line. The jealousy, impolitic in the extreme, can answer not a single good purpose. It is unjust, because no order of men in the thirteen states has paid a more sacred regard to the proceedings of congress than the army; for, without arrogance or the smallest deviation from truth, it may be said that no history now extant can furnish an instance of an army's suffering such uncommon hardships as ours has done, and bearing them with the same patience and fortitude. Their submitting without a murmur is a proof of patience and obedience which in my opinion can scarce be paralleled. There may have been some remonstrances or applications to congress in the style of complaint from the army, and slaves indeed should we be if this privilege were denied; but these will not authorize nor even excuse a jealousy that they are therefore aiming at unreasonable powers, or making strides subversive of civil authority. There should be none of these distinctions. We should all, congress and army, be considered as one people, embarked in one cause, acting on the same principle and to the same end." In framing an oath of fidelity for all civil and military officers, congress, much as it avoided the expression, made them swear that the "people of the United States" owed no allegiance to the king of Great Britain. The soldiers serving under one common flag, to establish one common independence, and, though in want of food, of shoes, of clothes, of straw for bedding, of pay in a currency of fixed value, of regular pay of any kind, never suffering their just discontent to get the better of their patriotism, still more clearly foreshadowed a great nation.

The troops of Burgoyne remained in the environs of Bos-

ton. As if preparing an excuse for a total disengagement from his obligations, Burgoyne, complaining without reason of the quarters provided for his officers, wrote and insisted that the United States had violated the public faith, and refused to congress descriptive lists of the non-commissioned officers and soldiers who were not to serve in America during the war. On these grounds congress suspended the embarkation of the troops under his command till it should receive notice of a ratification of the convention by the court of Great Britain. Burgoyne sailed for England on his parole.

To counteract the arts of the British emissaries among the Indians on the borders of Virginia and the Carolinas, Colonel Nathaniel Gist was commissioned to take into the public service two hundred of the red men and fifty of the white inhabitants of the neighboring counties. Care was taken to preserve the friendship of the Oneidas.

The American militia of the sea were restlessly active. In the night of the twenty-seventh of January a privateer took the fort of New Providence, one of the Bahama isles, made prize of a British vessel of war of sixteen guns, which had gone in for repairs, and recaptured five American vessels. On the seventh of March, Biddle, in the Randolph, a United States frigate of thirty-six guns on a cruise from Charleston, falling in with the Yarmouth, a British ship of sixty-four guns, hoisted the stars and stripes, fired a broadside, and continued the engagement till his ship went down.

The king of England succeeded but poorly in his negotiations for subsidiary troops. The crazy prince of Anhalt-Zerbst, who ruled over but three hundred square miles with twenty thousand inhabitants, after unceasing importunities, bargained with the king of England to deliver, at his own risk, twelve hundred and twenty-eight men. On their way to the place of embarkation, as they passed near the frontier of Prussia, three hundred and thirty-three of them deserted in ten days, and the number finally delivered was less than half of what was promised. When they arrived at their destination in Quebec, Carleton the governor, having no orders respecting them, would not suffer them to disembark till a messenger brought back orders from England.

To make good the loss of Hessians, the landgrave of Hesse-Cassel impressed men wherever he could do so with impunity. The heartless meanness of the Brunswick princes would pass belief, if it was not officially authenticated. They begged that the Brunswickers, who surrendered at Saratoga, might not find their way back to their homes, where they would spoil the traffic in soldiers by their complaints, but be sent rather to the British West Indies. The princes who first engaged in the trade in soldiers were jealous of competitors, and dropped hints that the states of Würtemberg, where Schiller ran the risk of being assistant surgeon to a regiment of mercenaries, would never suffer a contract by their duke to be consummated; that Protestant England ought not to employ troops of the elector palatine because they were Roman Catholics.

Had officers or men sent over to America uttered complaints, they would have been shot for mutiny; Mirabeau, then a fugitive in Holland, lifted up the voice of the civilization of his day against the trade, and spoke to the peoples of Germany and the soldiers themselves: "What new madness is this? Alas, miserable men, you burn down not the camp of an enemy, but your own hopes! Germans! what brand do you suffer to be put upon your forehead? You war against a people who have never wronged you, who fight for a righteous cause, and set you the noblest pattern. They break their chains. Imitate their example. Have you not the same claim to honor and right as your princes? Yes, without doubt. Men stand higher than princes. Of all rulers, conscience is the highest. You, peoples that are cheated, humbled, and sold, fly to America, but there embrace your brothers. In the spacious places of refuge which they open to suffering humanity, learn to apply social institutions to the advantage of every member of society." Against this tocsin of revolution the landgrave of Hesse defended himself on principles of feudal law and legitimacy; and Mirabeau rejoined: "When power breaks the compact which secured and limited its rights, then resistance becomes a duty. To recover freedom, insurrection becomes just. There is no crime like the crime against the freedom of the people."

When on the twentieth of November the king of England

opened the session of parliament, only three systems were proposed. The king insisted on a continuation of the war, without regard to the waste of life or treasure, till the colonies should be reduced to subordination. Chatham said: "France has insulted you, and our ministers dare not interpose with dignity or effect. My lords! you cannot conquer America. In three campaigns we have done nothing and suffered much. You may swell every expense, accumulate every assistance you can buy or borrow, traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince: your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates to an incurable resentment. If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms; never, never, never." And he denounced the alliance with "the horrible hell-hounds of savage war." His advice, freed from rhetoric, was to conciliate America by a change of ministry, and to make war on France. The third plan, which was that of the Rockingham party, was expressed by the duke of Richmond: "I would sooner give up every claim to America than continue an unjust and cruel civil war." A few days later, Lord Chatham inveighed against a sermon which Markham, the archbishop of York, had preached and published, reflecting on the "ideas of savage liberty" in America, and denounced his teachings as "the doctrines of Atterbury and Sacheverell."

Returning from the fatiguing debate of the second of December on the state of the nation, Lord North received the news of the loss of Burgoyne's army. He was so agitated that he could neither eat nor sleep, and the next day at the levee his distress was visible to the foreign ministers. Concession after defeat was humiliating; but there must be prompt action, or France would interfere. In a debate of the eleventh, the duke of Richmond, from the impossibility of conquest, argued for "a peace on the terms of independence, and an alliance or federal union." Burke in the commons was for an agreement with the Americans at any rate. "The ministers know as little how to make peace as war," said Fox; and privately among his friends, openly in the house of commons, he

demanded a settlement with the Americans on their own terms of independence. Eliot, afterward Lord Minto, and Gibbon agreed in the speculative opinion that, after the substance of power was lost, the name of independence might be granted to the Americans. On that basis the desire of peace was universal. It was the king who persuaded his minister to forego the opportunity which never could recur, and against his own conviction, without opening to America any hope of pacification, to adjourn the parliament to the twentieth of January 1778. In that month Lord Amherst, as military adviser, gave the opinion that nothing less than an additional army of forty thousand men would be sufficient to carry on offensive war in North America; but the king would not suffer Lord North to flinch, writing that there could not be "a man either bold or mad enough to presume to treat for the mother country on a basis of independence;" sometimes appealing to the minister's "personal affection for him and sense of honor;" and, in the event of a war with France, suggesting that "it might be wise to draw the troops from the revolted provinces, and to make war on the French and Spanish islands." To Lord Chatham might be offered anything but substantial power, for "his name, which was always his greatest merit, would hurt Lord Rockingham's party." And at court the king lavished civilities on young George Grenville and others who were connected with Lord Chatham.

Those who were near Lord North in his old age never heard him murmur at his having become blind; but his wife is the witness that "in the solitude of sleepless nights he would sometimes fall into very low spirits and deeply reproach himself for having, at the earnest desire of the king, remained in administration after he thought that peace ought to have been made with America." *

* A communication from the daughter of Lord North, who repeated the words of her mother.

CHAPTER XVI.

THE ASPECT OF CONTINENTAL EUROPE.

1775–1781.

The United States needed an ally in France, but the ministers of that kingdom were unwilling to risk a war with Great Britain except with the certainty of the acquiescence of continental Europe; the history of the next years of the United States cannot be understood without a knowledge of the disposition of the several powers of Europe toward them.

France was sure of the forbearance of Austria, for Austria had chosen the Bourbon powers for its allies.

In Italy, which by being broken into fragments was reft of its strength though not of its beauty, the United States vainly hoped to find support from the ruler of Florence, of whose humane code the world had been full of praise. The king of Naples, as one of the Spanish Bourbons, conformed his policy to that of Spain. But the genius of the Italians has always revered the struggles of patriotism; Alfieri saw in America the prophet of Italian unity; and Filangieri was preparing the work, in which, with the applause of the best minds, he claimed for reason its rights in the government of men. Portugal irritated the United States by closing its ports against their ships; but was scarcely heard of again during the war.

The Turkish empire affected the course of American affairs during the war and at its close. The embroilment of the western maritime kingdoms seemed to leave its border provinces at the mercy of their neighbors; and there were statesmen in England who wished peace, that their country might speak with authority on the Bosphorus and the Euxine.

Of Russia, Great Britain with ceaseless importunity sought the alliance; but its empress put aside every overture, and repeatedly advised the concession of independence to the United States. She confidentially assured the Bourbon family that she would not interfere in their quarrel, and would even be pleased to see them throw off the yoke of England. Her heart was all in the Orient. She longed to establish a Christian empire on the Bosphorus, and wondered why Christians of the West should prefer to maintain Mussulmans at Constantinople. Of England, she venerated the people; but she had contempt for its king, and foretold the failure of his ministry. On the other hand, while she did not love the French nation, she esteemed Vergennes as a wise and able statesman.

In Gustavus III. of Sweden, the nephew of Frederic of Prussia, France might expect a friend, for the revolution of 1771 in favor of the royal prerogative had been aided by French subsidies and the counsels of Vergennes, who was at the time the French minister at Stockholm. The oldest colonizers of the Delaware were Swedes, and a natural affection bound their descendants to the mother country. The Swedes, as builders and owners of ships, favored the largest interpretation of the maritime rights of neutrals; and their king, who had dashing courage, though not perseverance, was now and then the boldest champion of the liberty of the seas.

Denmark, the remaining northern kingdom, was itself a colonial power, possessing small West India islands and a foothold in the East. Its king, as duke of Holstein, had a voice in the German diet at Ratisbon. Its people were of a noble race; it is the land which, first of European states, forbade the slave-trade, and which, before the end of the century, abolished the remains of serfdom. But its half-witted king had for his minister of foreign affairs Count Bernstorf, a Hanoverian by birth, who professed to believe that a people can never be justified in renouncing obedience to its lawful government. He would not suffer the Danish government to favor, or even seem to favor, the Americans. Danish subjects were forbidden to send, even to Danish West India islands, munitions of war, lest they should find their way to the United States. The Danish and Norwegian ports were closed against prizes taken

by American privateers. Yet, from its commercial interests, Denmark was forced to observe and to claim the rights of a neutral.

Of the two European republics of the last century, the one had established itself among the head-springs of the Rhine, the other at its mouth. The united cantons of Switzerland, content within themselves, constituted a republic, which rivalled in age the oldest monarchies, and, by its good order and industry, morals and laws, proved the compatibility of extensive confederacies with modern civilization. The United States gratefully venerated their forerunner, but sought from it no assistance.

The deepest and the saddest interest hovers over the republic of the Netherlands, for the war between England and the United States prepared its grave. Of all the branches of the Germanic family, that nation, which for its abode rescued from the choked and shallowed sea the unstable silt and sands brought down by the Rhine, has endured the most and wrought the most in favor of liberty of conscience, commerce, and the state. The republic which it founded was the child of the reformation. For three generations the best interests of mankind were abandoned to its keeping; and, to uphold the highest objects of spiritual life, its merchants, landholders, and traders so abounded in heroes and martyrs that they tired out brute force and tyranny and death itself, and from war educed life and hope for coming ages. Their existence was an unceasing struggle with the ocean which beat against their dikes; with the rivers which cut away their soil; with neighbors that coveted their territory; with England, their ungenerous rival in trade. In proportion to numbers, they were the first in agriculture and in commerce, first in establishing credit by punctuality and probity, first in seeing clearly that great material interests are fostered best by liberty. Their land remained the storehouse of renovating political ideas for Europe, and the asylum of all who were persecuted for their thoughts. In freedom of conscience they were the light of the world. Out of the heart of a taciturn, phlegmatic, serious people, inclined to solitude and reflection, rose the men who constructed the code of international law in the spirit of justice.

In 1674, after England for about a quarter of a century had aimed by acts of legislation and by wars to ruin the navigation of the Netherlands, the two powers consolidated peace by a treaty of commerce, in which the rights of neutrals were guaranteed in language the most precise and clear. Not only was the principle recognised that free ships make free goods, but, both positively and negatively, ship-timber and other naval stores were excluded from the list of contraband.

In 1688 England contracted to the Netherlands the highest debt that one nation can owe to another. Herself not knowing how to recover her liberties, they were restored by men of the United Provinces; and Locke brought back from his exile in that country the theory on government which had been formed by the Calvinists of the continent, and which made his chief political work the text-book of the friends of free institutions for a century.

During the long wars for the security of the new English dynasty, and for the Spanish succession, in all which the republic had little interest of its own, it remained the faithful ally of Great Britain. Gibraltar was taken by ships and troops of the Dutch not less than by those of England; yet its appropriation by the stronger state brought them no corresponding advantage; on the contrary, their exhausted finances and disproportionate public debt crippled their power of self-defence.

For these unexampled and unrequited services the republic might expect to find in England a wall of protection. But during the seven years' war, in disregard of treaty obligations, its ships were seized on the ground that they had broken the arbitrary British rules of contraband and blockade. In the year 1758 the losses of its merchants on these pretences were estimated at more than twelve million guilders. In 1762, four of its ships, convoyed by a frigate, were taken, after an engagement; and, though the frigate was released, George Grenville, then secretary of state, announced by letter to its envoy that the right of stopping Dutch ships with naval stores must be and would be sustained. But this was not the worst: England took advantage of the imperfections in the constitution of the Netherlands to divide their government, and by

influence and corruption to win the party of the stadholder to her own uses.

The republic was in many ways dear to the United States. It had given a resting-place to their immigrant pilgrims, and dismissed them to the New World with lessons of religious toleration. It had planted the valley of the Hudson; and in New York and New Jersey its sons still cherished the language, church rule, and customs of their parent nation. The Dutch saw in the American struggle a repetition of their own history; and the Americans found in them the evidence that a small but resolute state can triumph over the utmost efforts of the mightiest and wealthiest empire.

The people who dwelt between the Alps and the northern seas, between France and the Slaves, founded no colonies in America; but they saw in the rising people of the New World many who traced their lineage back to the same ancestry with themselves, and they claimed a fellowship with the youthful nation which was struggling for freedom of mind and free institutions. Their great philosopher, Immanuel Kant, the contemporary of the American revolution, the man who alone of Germans can with Leibnitz take a place by the side of Plato and Aristotle, reformed philosophy as Luther had reformed the church, on the principle of the self-activity of the individual mind. His method was that of the employment of mind in its freedom; and his fidelity to human freedom has never been questioned and never can be. He accepted the world as it is, only with the obligation that it is to be made better. His political philosophy enjoins a constant struggle to lift society out of its actual imperfect state, which is its natural condition, into a higher and better one, by deciding every question, as it arises, in favor of reform and progress, and keeping open the way for the elimination of all remaining evil. He condemned slavery, and he branded the bargaining away of troops by one state to another without a common cause. "The rights of man," he said, "are dear to God, are the apple of the eye of God on earth;" and he wished an hour each day set aside for all children to learn them and take them to heart. He was one of the first, perhaps the very first, of the German nation to up-

hold, even at the risk of his friendships, the cause of the United States.

Lessing contemplated the education of his race as carried forward by one continued revelation of truth, the thoughts of God, present in man, creating harmony and unity, and leading toward higher culture. In his view, the class of nobles was become superfluous: the lights of the world were they who gave the clearest utterance to the divine ideas. He held it a folly for men of a republic to wish for a monarchy: the chief of a commonwealth, governing a free people by their free choice, has a halo that never surrounded a king. Though he was in the employ of the duke of Brunswick, he loathed from his inmost soul the engagement of troops in a foreign war, either as volunteers or as sold by their prince. "How came Othello," he asks, "into the service of Venice? Had the Moor no country? Why did he let out his arm and blood to a foreign state?" And he published to the German nation this lesson: "The Americans are building in the New World the lodge of humanity."

At Weimar, in 1779, Herder, the first who vindicated for the songs of the people their place in the annals of human culture, published these words: "The boldest, most godlike thoughts of the human mind, the most beautiful and greatest works, have been perfected in republics; not only in antiquity, but in mediæval and more modern times, the best history, the best philosophy of humanity and government, is always republican; and the republic exerts its influence, not by direct intervention, but mediately by its mere existence." The United States, with its mountain ranges, rivers, and chains of lakes in the temperate zone, seemed to him shaped by nature for a new civilization.

Of the poets of Germany, the veteran Klopstock beheld in the American war the inspiration of humanity and the dawn of an approaching great day. He loved the terrible spirit which emboldens the peoples to grow conscious of their power. With proud joy he calls to mind that, among the citizens of the young republic, there were many Germans who gloriously fulfilled their duty in the war of freedom. "By the rivers of America light beams forth to the nations, and in part from

Germans." So he wrote, embalming the martyrdom of Herkimer and his German companions.

Less enthusiastic, but not less consistent, was Goethe. Of plebeian descent, by birth a republican, born like Luther in the heart of Germany, educated like Leibnitz in the central university of Saxony, when seven years old he and his father's house were partisans of Frederic, and rejoiced in his victories as the victories of the German nation. In early youth he, like those around him, was interested in the struggles of Corsica; joined in the cry of "Long live Paoli!" and gave his hearty sympathy to the patriot in exile. Ideas of popular liberty led him, in his twenty-second year or soon after, to select the theme for his first tragedy from the kindred epoch in the history of the Netherlands. But the interest of the circle in which he moved became far more lively when, in a remote part of the world, a whole people showed signs that it would make itself free. He classed the Boston tea-party of 1773 among the prodigious events which stamped themselves most deeply on his mind in childhood. Like everybody around him, he wished the Americans success, and "the names of Franklin and Washington shone and sparkled in his heaven of politics and war." When to all this was added reform in France, he and the youth of Germany promised themselves and all their fellow-men a beautiful and even a glorious future. The thought of emigrating to America passed placidly over his imagination, leaving no more mark than the shadow of a flying cloud as it sweeps over a garden of flowers.

The sale of Hessian soldiers for foreign money called from him words of disdain; but his reproof of the young Germans who volunteered to fight for the American cause and then from faint-heartedness drew back, did not go beyond a smile at the contrast between their zeal and their deeds. He congratulated America that it was not forced to bear up the traditions of feudalism; and, writing or conversing, used none but friendly words of the United States, as "a noble country." During all his life coming in contact with events that were changing the world, he painted them to his mind in their order and connection. Twenty years before the movements of 1848 he foretold with passionless serenity that, as certainly as the

Americans had thrown the tea-chests into the sea, so certainly it would come to a breach in Germany between princes and people, if monarchy should not reconcile itself with freedom; and just before the French revolution of 1830 he published his opinion that the desire for self-government, which had succeeded so well in the colonies of North America, was sustaining the battle in Europe without signs of weariness.

Schiller was a native of Würtemburg, the part of Germany most inclined to idealism; in mediæval days the stronghold of German liberty; renowned for its numerous free cities, the wide distribution of land among small freeholders, the total absence of great landed proprietaries, the comparative extinction of the old nobility. Equally in his hours of reflection and in his hours of inspiration, his sentiments were such as became the poet of the German nation invigorated by the ideas of Kant. The victory which his countrymen won against the Vatican and against error for the freedom of reason was, as he wrote, a victory for all nations and for endless time. He was ever ready to clasp the millions of his fellow-men in his embrace, to give a salutation to the whole world; and, glowing with indignation at princes who met the expenses of profligacy by selling their subjects to war against the rights of mankind, a few years later he brought their crime upon the stage.

Under the German kinglings, the sense of the nation could not express itself freely, but German political interest centred in America. Translations of British pamphlets on the war, including "Price upon Liberty," were printed in Brunswick. It is related by Niebuhr that the political ideas which in his youth most swayed the mind of Germany grew out of its fellow-feeling with the United States in their struggle for independence.

While the truest and best representatives of German intelligence applauded Americans as the founders of a republic, the best of the German princes approved their rising in arms against a sovereign who attempted to strip them of their rights. Duke Ernest of Saxony, cultivated by travel in Holland, England, and France, ruled his principality of Saxe-Gotha and Altenburg with wisdom and justice. By frugality and simplicity in his court, he restored the disordered finances of the duchy,

and provided for great public works and for science. Though the king of England was his near relation, he put aside the offers of enormous subsidies for troops to be employed in America. When, ten years later, he was ready to risk his life and independence in the defence of the unity and the liberties of Germany, these are the words in which he cheered on his dearest friend to aid in curbing the ambition of Austria: "All hope for our freedom and the preservation of the constitution is not lost. Right and equity are on our side; and the wise Providence, according to my idea of it, cannot approve, cannot support, perjury and the suppression of all rights of citizens and of states. Of this principle the example of America is the eloquent proof. England met with her deserts. It was necessary that her pride should be bowed, and that oppressed innocence should carry off the victory. Time cannot outlaw the rights of mankind."

The friend to whom these words were addressed was the brave, warm-hearted Charles Augustus of Saxe-Weimar, who, in 1776, being then of only nineteen years, refused a request for leave to open recruiting offices at Ilmenau and Jena for the English service, though he consented to the delivery of vagabonds and convicts. When, in the last days of November 1777, the prince of Schaumburg-Lippe, as the go-between of the British ministry, made unlimited offers for some of his battalions, the patriot prince called his ministers to a conference, and, supported by the unanimous advice of those present, on the third of December he answered: "There are, in general, many weighty reasons why I cannot yield my consent to deliver troops into foreign service and pay;" and it is minuted on the draft that "Serenissimus himself took charge of posting the letter."

The signature of Goethe, the youngest minister of Weimar, is wanting to the draft, for he was absent on a winter trip to the Hartz Mountains; but that his heart was with his colleagues appears from his writing simultaneously from Goslar: "How am I again brought to love that class of men which is called the lower class, but which assuredly for God is the highest! In them moderation, contentment, straightforwardness, patience, endurance, all the virtues, meet together."

Did the future bring honor to the houses of the princes who refused to fight against America? or to those who sold their subjects to destroy the freedom of the New World? Every dynasty which furnished troops to England has ceased to reign, except one, which has now for its sole representative an aged and childless man. On the other hand, the three Saxon families remain; and in their states local self-government has continually increased, and the wisdom and the will of the inhabitants have been consulted and respected. In Saxe-Weimar the collision between monarchy and popular freedom, predicted for Germany by Goethe, was avoided by the wisdom of its administration.

Nor is this different fate of the princes to be attributed to accident. The same infidelity to duty, which induced some of them to support their vices by traffic in their subjects, colored their career, and brought them in conflict with the laws of the eternal Providence.

The prince who, next to Joseph of Austria, governed at that time the largest number of men having the German for their mother tongue, was Frederic of Prussia, then the only king in Germany. He was a prince trained alike in the arts of war and administration, in philosophy and letters. It should be incredible, and yet it is true that, at the moment of the alliance of the Catholic powers against Protestantism, England, under the second George and a frivolous minister, was attempting by large subsidies to set the force of Russia against the most considerable Protestant power in Germany. In the attempt, England shot so wildly from its sphere that Newcastle was forced to bend to William Pitt; and then England and Prussia, and the embryon United States—Pitt, Frederic, and Washington—worked together for human freedom. The seven years' war extended the English colonies to the Mississippi and gave Canada to England. "We conquered America in Germany," said the elder Pitt, ascribing to Frederic a share in the extension of the Germanic race in the other hemisphere; and Frederic, in his histories, treats the English movement in America and his own struggles in Europe all as one, so long as Pitt was at the helm.

To what end would events have been shaped if Pitt's min-

istry had continued, and the bonds between England and Prussia had been riveted by a common peace? But here, as everywhere, it is useless to ask what would have happened if the eternal Providence had for the moment suspended its rule. The Americans were at variance with the same class of British ministers which had wronged Frederic in 1762. With which branch of the Teutonic family would be the sympathy of Germany? Where stood its one incomparable king?

He was old and broken; his friends had fallen near him in battle. The thought of his campaigns gave him no pleasure, their marvellously triumphant result no pride: he looked back to them with awe, and even with horror; like one who has sailed through a relentless whirlwind in mid-ocean, and been but just saved from foundering. No one of the powers of Europe was heartily his ally. Russia will soon leave him for Austria. His great deeds become to him so many anxieties; his system meets with persistent and deadly enmity. He seeks rest; and strong and unavoidable antagonisms allow his wasted strength no repose. He is childless and alone; his nephew, who will be his successor, neglects him, and follows other counsels; his own brother hopes and prays to heaven that the king's days may not be prolonged. Worn by unparalleled labor and years, he strikes against obstacles on all sides as he seeks to give a sure life to his kingdom; and prudence teaches him that he must still dare and suffer and go on. He must maintain Protestantism and German liberty against Austria, which uses the imperial crown only for its advantage as a foreign power, and relentlessly aims at the destruction of his realm.

. The most perfect government he held to be that of a well-administered monarchy. "But then," he added, "kingdoms are subjected to the caprice of a single man whose successors will have no common character. A good-for-nothing prince succeeds an ambitious one; then follows a devotee; then a warrior; then a scholar; then, it may be, a voluptuary; and the genius of the nation, diverted by the variety of objects, assumes no fixed character. But republics fulfil more promptly the design of their institution, and hold out better; for good kings die, but wise laws are immortal. There is unity in the end which republics propose, and in the means which they em-

ploy; and they therefore almost never miss their aim." The republic which arose in America encountered no unfavorable prejudice in his mind. With the France which protected the United States he had a common feeling. Liberal English statesmen commanded his good-will; but he detested the policy of Bute and of North: so that for him and for America there were in England the same friends and the same enemies.

In November 1774 he expressed the opinion that the British colonies would rather be buried under the ruins of their settlements than submit to the yoke of the mother country. He was astonished at the apathy and gloomy silence of the British nation on undertaking a war alike absurd and fraught with hazard. "The treatment of the colonies," he wrote in September 1775, "appears to me to be the first step toward despotism."

In October of the same year the British minister at Berlin reported: "His ill state of health threatens him with a speedy dissolution." What thoughts filled his mind while others believed him dying, we know from himself: "During my illness, in which I have passed many moments doing nothing, these are the ideas that occupied my mind: It seems to me very hard to proclaim as rebels free subjects who only defend their privileges against the despotism of a ministry." This he said at the proclamation of George III., which had denounced the American insurgents as traitors. "The more I reflect on the measures of the British government, the more they appear to me arbitrary and despotic. The British constitution itself seems to authorize resistance. That the court has provoked its colonies to withstand its measures, nobody can doubt. It invents new taxes; it wishes by its own authority to impose them on its colonies in manifest breach of their privileges: the colonies do not refuse their former taxes, and demand only with regard to new ones to be placed on the same footing with England; but the government will not accord to them the right to tax themselves. This is the whole history of these disturbances."

"If I had a voice in the British cabinet, I should take advantage of the good disposition of the colonies to reconcile myself with them." "In order to interest the nation in this war, the British court will offer conditions of reconciliation;

but it will make them so burdensome that the colonies will never be able to accept them." "The issue of this contest cannot fail to make an epoch in British annals." "The great question is always whether the colonies will not find means to separate entirely from the mother country and form a free republic. The examples of the Netherlands and of Switzerland make me at least presume that this is not impossible. Nearly all Europe takes the part of the colonies and defends their cause, while that of the court finds neither favor nor aid."

No prince could be farther than Frederic from romantic attempts to rescue from oppression foreign colonies that were beyond his reach. In a careful search through his cabinet papers for several years, I have found no letter or part of a letter in which he allowed the interest of his kingdom to suffer from personal pique or dynastic influences. His cares are for the country which he rather serves than rules. He sees and exactly measures its weakness as well as its strength, and gathers every one of its disconnected parts under his wings.

When, in May 1776, a plan for a direct commerce with America was suggested, Frederic answered: "The plan appears to me very problematical; without a fleet, how could I cause such a commerce to be respected?"

In September he received from his minister in London a French version of the American declaration of independence; and, as the British had not had decisive success in arms, it was to him a clear indication that the colonies could not be subjugated. He had heard of the death-bed remark of Hume, that the success of the court would bring to England the loss of her liberties.

With a commercial agent, sent in the following November by Silas Deane, he declined to treat for a direct commerce between the United States and Prussia; but he consented to an exchange of their commodities through the ports of Brittany.

That France and Spain would be drawn into the war, he from the first foretold; yet for France he said: "In the ruinous condition of its finances, a war will certainly bring bankruptcy in its train."

Meantime, the liberties of Germany were endangered; and the political question of the day assumed the largest propor-

tions by a groundless claim on the part of Joseph of Austria to a contingent right of inheritance to a large part of Bavaria. To prevent so fatal a measure, the king of Prussia, in the last months of 1776, began to draw near to France, which was one of the guarantees of the peace of Westphalia.

In January 1777, he instructed his minister at Versailles to say: "Should France begin war, she may be sure that I will do everything in the world to preserve peace" on the continent. "I guarantee to you reciprocity on the part of his most Christian majesty," was the answer of Maurepas.

On the fourteenth of February 1777, the American commissioners at Paris transmitted to Frederic a copy of the declaration of independence and of the articles of American confederation, with the formal expression of the earnest desire of the United States to obtain his friendship, and to establish a mutually beneficial free commerce between their distant countries. The great king received from Franklin, with unmingled satisfaction, the manifesto of the republic and its first essay at a constitution. The victories of Washington at Trenton and Princeton proved to him that the colonies were become a nation. He supported the rights of neutrals in their fullest extent; but, as to a direct commerce, he could only answer as before: "I am without a navy; having no armed ships to protect trade, the direct commerce could be conducted only under the flag of the Netherlands, and England respects that flag no longer. St. Eustatius is watched by at least ninety English cruisers. Under more favorable circumstances, our linens of Silesia, our woollens and other manufactures, might find a new market." But, while he postponed negotiations, he, who was accustomed to utter his commands tersely and not to repeat his words, charged his minister thrice over in the same rescript to say and do nothing that could offend or wound the American people. In the remaining years of the war some one of the American agents would ever and anon renew the same proposition; but he always in gentle words turned aside the request which interfered with his nearer duty to Prussia.

Against the advice of Franklin and a seasonable hint from the Prussian minister Schulenburg that the visit would be premature, Arthur Lee went by way of Vienna to Berlin. At

Vienna he was kept aloof by Kaunitz, socially and from the foreign office. In Berlin he, as a traveller, was assured of protection. Frederic, though he refused to see him, promised his influence to prevent new treaties by England for German troops, and to troops destined for America forbade the transit through any part of his dominions.

Elliott, then British minister in Berlin, for a thousand guineas induced a burglar to steal the papers of Arthur Lee, but, on the complaint of Arthur Lee to the police, sent them back after reading them, and spirited the thief out of the kingdom. Against the rules of the court, he hurried to Potsdam: the king refused to see him; and a cabinet order, in his own handwriting, still preserves his judgment upon Elliott: "It is a case of public stealing, and he should be forbidden the court; but I will not push matters with rigor." And to his minister in London he wrote: "Oh, the worthy pupil of Bute! In truth, the English ought to blush for shame at sending such ministers to foreign courts."

The people of England cherished the fame of the Prussian king as in some measure their own, and unanimously desired the renewal of his alliance. The ministry sought to open the way for it through his envoy in London. Frederic replied: "No man is further removed than myself from having connections with England." "'A scalded cat fears cold water,' says the proverb. If that crown would give me all the millions possible, I would not furnish it two small files of my troops to serve against the colonies."

"Never in past ages," he continued, some weeks later, "has the situation of England been so critical. Her ministry is without men of talent." "A glance at the situation shows that, if she continues to employ the same generals, four campaigns will hardly be enough to subjugate her colonies." "All good judges agree with me that, if the colonies remain united, the mother country will never subjugate them."

"My marine is nothing but a mercantile marine, of which I know the limits too well to go beyond them." "If the colonies shall sustain their independence, a direct commerce with them will follow, of course."

Having taken his position toward England, he proceeded

to gain the aid of France as well as of Russia against the annexation of Bavaria to the Austrian dominions; and in the breast of the aged Maurepas, whose experience in office preceded the seven years' war, there remained enough of the earlier French traditions to render him jealous of such an aggrandizement of the old rival of his country. The vital importance of the question was understood at Potsdam and at Vienna. Kaunitz, who made it the cardinal point of Austrian policy to overthrow the kingdom of Prussia, looked upon the acquisition of Bavaria as the harbinger of success. When Joseph repaired to Paris to win France for his design through the influence of his sister, Marie Antoinette, the Prussian envoy was commanded to be watchful, but to be silent. No sooner had the emperor retired than Frederic, knowing that Maurepas had resisted the influence of the queen, renewed his efforts; and, through a confidential French agent sent to him under the pretext of attending the midsummer military reviews at Magdeburg, the two kingdoms adjusted their foreign policy, of which the central points lay in the United States and in Germany.

France, if she would venture on war with England, needed security and encouragement from Frederic on the side of Germany, and his aid to stop the sale of German troops. He met the overture with joy, and near the end of July wrote with his own hand: "No; certainly we have no jealousy of the aggrandizement of France: we even put up prayers for her prosperity, provided her armies are not found near Wesel or Halberstadt." "You can assure de Maurepas," so he continued in August and September, "that I have no connection whatever with England, nor do I grudge to France any advantages she may gain by the war with the colonies." "Her first interest requires the enfeeblement of Great Britain, and the way to this is to make it lose its colonies in America. The present opportunity is more favorable than ever before existed, and more favorable than is likely to recur in three centuries." "The independence of the colonies will be worth to France all which the war will cost."

To preserve his own kingdom and the liberties of Germany, he pressed upon the French council an alliance of France, Prussia, and Russia. "Italy and Bavaria," he said, "would follow,

and no alliance would be left to Austria except that with England. If it does not take place, troubles are at hand to be decided only by the sword." In his infirm old age, he felt his own powers utterly unequal to the renewal of such a conflict; and he saw no hope for himself, as king of Prussia, to rescue Bavaria and with it Germany from absorption by Austria, except in the good-will of France and Russia.

While Frederic was encouraging France to strike a decisive blow in favor of the United States, their cause found an efficient advocate in Marie Antoinette. She placed in the hands of her husband a memoir which had been prepared by Count de Maillebois and Count d'Estaing, and which censured the timid policy of his ministers. The states of Europe, it was said, would judge the reign of Louis XVI. by the manner in which that prince will know how to avail himself of the occasion to lower the pride and presumption of a rival power. The French council, nevertheless, put off the day of decision. Even so late as the twenty-third of November 1777, every one of them, except the minister of the marine and Vergennes, Maurepas above all, desired to avoid a conflict. Frederic, all the more continued his admonitions, through his minister at Paris, that France had now an opportunity which must be regarded as unique; that England could from no quarter obtain the troops which she needed; that Denmark would be solicited in vain to furnish ships-of-war and mariners; that he himself, by refusing passage through any part of his dominions to the recruits levied in Germany, had given public evidence of his sympathy with the Americans; that France, if she should go to war with England, might be free from apprehension alike on the side of Russia and of Prussia.

So when the news of the surrender of Burgoyne's army was received at Paris, and every face, even that of the French king, showed signs of joy, Maurepas prepared to yield; but first wished the great warrior, who knew so well the relative forces of the house of Bourbon and England, to express his judgment on the probable issues of a war. Frederic, renewing assurances of his own good-will and the non-interference of Russia, replied: "The chances are one hundred to one that the colonies will sustain their independence."

Balancing the disasters of Burgoyne with the successes of Howe, he wrote: "These triumphs of Howe are ephemeral. The ministry may get funds, but where will they get twenty thousand men? I see no gate at which they can knock for auxiliaries." "England made originally an awkward mistake in going to war with its colonies; then followed the illusion of being able to subjugate them by a corps of seven thousand men; next, the scattering its different corps which has caused the failure of all its enterprises. I am of Chatham's opinion, that its ill success is due to the ignorance, rashness, and incapacity of its ministry. Even should there be a change in the ministry, the tories would still retain the ascendency." "The primal source of the decay of Britain is to be sought in the departure of its present government in a sovereign degree from the principles of British history. All the efforts of his Britannic majesty tend to despotism. It is only to the principles of the tories that the present war with the colonies is to be attributed. The reinforcements which these same ministers design to send to America will not change the face of affairs; and independence will always be the indispensable condition of an accommodation."

At the same time, Frederic expressed more freely his sympathy with the United States. The port of Embden could not receive their cruisers, for the want of a fleet or a fort to defend them from insult; but he bade them welcome at Dantzic. He forbade the subsidiary troops, both from Anspach and Hesse, to pass through his dominions. The prohibition resounded throughout Europe, and he announced to the Americans that it was given "to testify his good-will for them." Every facility was afforded them to ship arms from Prussia. Before the end of 1777 he promised not to be the last to recognise the independence of the United States; and, in January 1778, his minister, Schulenburg, wrote officially to one of their commissioners in Paris: "The king desires that your generous efforts may be crowned with complete success. He will not hesitate to recognise your independence, when France, which is more directly interested in the event of this contest, shall have given the example."

CHAPTER XVII.

FRANCE AND THE UNITED STATES.

DECEMBER 1777–APRIL 1778.

THE account of Burgoyne's surrender, which was brought to France by a swift-sailing ship from Boston, threw Turgot and all Paris into transports of joy. None doubted the ability of the states to maintain their independence. On the twelfth of December their commissioners had an interview with Vergennes. "Nothing," said he, "has struck me so much as General Washington's attacking and giving battle to General Howe's army. To bring troops raised within the year to this, promises everything. The court of France, in the treaty which is to be entered into, intend to take no advantage of your present situation. Once made, it should be durable; and therefore it should contain no condition of which the Americans may afterward repent, but such only as will last as long as human institutions shall endure, so that mutual amity may subsist forever. Entering into a treaty will be an avowal of your independence. Spain must be consulted, and Spain will not be satisfied with an undetermined boundary on the west. Some of the states are supposed to run to the South Sea, which might interfere with her claim to California." It was answered that the last treaty of peace adopted the Mississippi as a boundary. "And what share do you intend to give us in the fisheries?" asked Vergennes; for in the original draft of a treaty the United States had proposed to take to themselves Cape Breton and the whole of the island of Newfoundland. Explanations were made by the American commissioners that their later instructions removed all chances of disagreement on that subject.

The return of the courier to Spain was not waited for. On the seventeenth, Gerard, one of the secretaries of Vergennes, informed Franklin and Deane that the king in council had determined not only to acknowledge the United States, but to support their cause; and in case England should declare war against France on account of this recognition, he would not insist that the Americans should not make a separate peace, but only that they should maintain their independence. The American commissioners answered: "We perceive and admire the king's magnanimity and wisdom. He will find us faithful and firm allies. We wish with his majesty that the amity between the two nations may last forever;" and both parties agreed that good relations could continue between a monarchy and a republic.

The French king promised, in January 1778, three millions of livres; as much more, it was said, would be remitted by Spain from Havana. But the Spanish government, while it was devoted to the union between the crowns of France and Spain, adhered as yet to the policy of avoiding a rupture with England. To Count Montmorin, then French ambassador at Madrid, Florida Blanca said, with warmth: "Your court is disposed to treat with the Americans; war will result from it, and the war will have neither an object for its beginning nor a plan for its end." *

Correct reports from Versailles reached Leopold of Tuscany and Joseph of Austria. "The women and the enthusiasm of the moment," so predicted the latter to his brother before the end of January, "putting the ministers in fear of losing their places, will determine them to make war on the English; and they could commit no greater folly." While "the two greatest countries in Europe were fairly running a race for the favor of the Americans," the question of a French alliance with them was discussed by Vergennes with the Marquis d'Ossun, the late French ambassador in Madrid, as the best adviser with regard to Spain, and the plan of action was formed. Then these two met the king at the apartment of Maurepas, where the plan, after debate, was finally settled. Maurepas, at heart opposed to the war, loved ease and popular-

* Count Montmorin to Vergennes, Madrid, 5 January 1778. MS.

ity too well to escape the sway of external opinion; and Louis XVI. sacrificed his own inclination and his own feeling of justice to policy of state and the opinion of his advisers. So, on the sixth of February, a treaty of amity and commerce and an eventual defensive treaty of alliance were concluded between the king of France and the United States on principles of equality and reciprocity, and for the most part in conformity to the proposals of congress. In commerce each party was to be placed on the footing of the most favored nation. The king of France promised his good offices with the princes and powers of Barbary. As to the fisheries, each party reserved to itself the exclusive possession of its own. Accepting the French interpretation of the treaties of Utrecht and of Paris, the United States acknowledged the right of French subjects to fish on the banks of Newfoundland, and their exclusive right to half the coast of that island for drying-places. On the question of ownership in the event of the conquest of Newfoundland the treaty was silent. The American proposal, that free ships give freedom to goods and to persons, except to soldiers in actual service of an enemy, was adopted. Careful lists were made out of contraband merchandises. The absolute and unlimited independence of the United States was described as the essential end of the defensive alliance; and the two parties mutually engaged not to lay down their arms until it should be assured by the treaties terminating the war. Moreover, the United States guaranteed to France the possessions then held by France in America, as well as those which it might acquire by a future treaty of peace; and, in like manner, the king of France guaranteed to the United States their present possessions and acquisitions during the war from the dominions of Great Britain in North America. A separate and secret act reserved to the king of Spain the power of acceding to the treaties. Within forty-two hours of the signature of these treaties of commerce and alliance the British ministry received the news by a special messenger from their spy in Paris, but it was not divulged.

On the eleventh, Hillsborough asked of the duke of Richmond, "in what manner he meant that England should crouch to the vipers and rebels in America? By giving up the sacred

right of taxation? or by yielding to her absurd pretensions about her charters? or by declaring the thirteen provinces independent?" Richmond answered: "I never liked the declaratory act; I voted for it with regret to obtain the repeal of the stamp-act; I wish we could have done without it; I looked upon it as a piece of waste paper that no minister would ever have the madness to revive; I will, with pleasure, be the first to repeal it or to give it up." In this mood Richmond sought harmony with Chatham. On the same day, in the house of commons, George Grenville attacked the administration in the harshest terms, and pointed out Lord Chatham as the proper person to treat with America. The very sincere and glowing words of eulogy spoken by the son of the author of the stamp-tax were pleasing to Lord Chatham in these his last days.

While the British government stumbled in the dark, Franklin placed the public opinion of philosophical France conspicuously on the side of America. No man of that century so imbodied the idea of toleration as Voltaire; for fame he was unequalled among living men of letters; for great age he was venerable; he, more than Louis XVI., or the cabinet of the king, represented France of that day; and he was come up to Paris, bent with years, to receive before his death the homage of its people. Wide indeed was the difference between him and America. But for the moment they were in harmony; and, before he had been a week in Paris, Franklin claimed leave to wait upon him. We have Voltaire's account of the interview. Franklin bade his grandson demand the benediction of the more than octogenarian, and, in the presence of twenty persons, he gave it in these words: "God and Liberty!" Everywhere Voltaire appeared as the friend of America. Being in company where the wife of Lafayette was present, he asked that she might be brought to him, kissed her hand, and spoke to her the praises of her husband and of the cause in which he served.

Almost simultaneously, Lord North, on the seventeenth of February, made known to the house of commons the extent of his conciliatory propositions. Of the two bills, one declared the intention of the parliament of Great Britain not to exercise the right of imposing taxes within the colonies of North

America, the other authorized commissioners to be sent to the United States. In a speech of two hours, Lord North avowed that he had never had a policy of his own. He had never proposed any tax on America; he had found the tea-tax imposed, and, while he had not moved its repeal, he never devised means to enforce it; the commissioners would have power to treat with congress, with provincial assemblies, or with Washington; to order a truce; to suspend all laws; to grant pardons and rewards; to restore the constitution as it stood before the troubles. "A dull, melancholy silence for some time succeeded to the speech. It had been heard with profound attention, but without a single mark of approbation to any part of it from any party or man in the house. Astonishment, dejection, and fear overclouded the assembly." After the house of commons had given leave to bring in the bills, Hartley, acting on an understanding with Lord North, enclosed copies of them to Franklin. Franklin, with the knowledge of Vergennes, answered: "If peace, by a treaty with America, upon equal terms, is really desired, your commissioners need not go there for it. If wise and honest men, such as Sir George Saville, the bishop of St. Asaph, and yourself, were to come over here immediately with powers to treat, you might not only obtain peace with America, but prevent a war with France."

The conciliatory bills, which with slight modifications became statutes by nearly unanimous consent, confirmed the ministry in power. The king of France, from regard to his dignity, made a formal declaration to Great Britain of his treaties with the United States. British ships-of-war had captured many French ships, but the ministry had neither communicated the instructions under which their officers acted, nor given heed to the reclamations of the French government. The rescript, which on the thirteenth of March was left by the French ambassador with the British secretary of state, announced that "the United States of North America are in full possession of independence, which they had declared on the fourth of July 1776; that, to consolidate the connection between the two nations, their respective plenipotentiaries had signed a treaty of friendship and commerce, but without any exclusive advantages in favor of the French nation. The king is determined to pro-

tect the lawful commerce of his subjects, and for that purpose has taken measures in concert with the United States of North America."

This declaration established a state of war between England and France. The British ambassador was immediately recalled, and the recall notified to the French ambassador. Lord North became despondent, and professed a desire to make way for Lord Chatham. The king on the fifteenth answered: "On a clear explanation that Lord Chatham is to step forth to support you, I will receive him with open arms. I will only add, to put before your eyes my most inmost thoughts, that no advantage to my country nor personal danger to myself can make me address myself to Lord Chatham, or to any other branch of opposition. I would rather lose the crown I now wear, than bear the ignominy of possessing it under their shackles. You have now full power to act, but I don't expect Lord Chatham and his crew will come to your assistance." Fox would have consented to a coalition, had it been agreeable to his friends. Shelburne answered instantly: "Lord Chatham must be the dictator. I know that Lord Chatham thinks any change insufficient which does not comprehend a great law arrangement and annihilate every party in the kingdom." The king, when this reply was reported to him, broke out with violence: "Lord Chatham, that perfidious man, as dictator! Nothing shall bring me to treat personally with Lord Chatham. Experience makes me resolve to run any personal risk rather than submit to a set of men who certainly would make me a slave for the remainder of my days."

After a night's rest, the king wrote with still more energy: "No consideration in life shall make me stoop to opposition. I will rather risk my crown than do what I think personally disgraceful. If the nation will not stand by me, they shall have another king; for I never will put my hand to what will make me miserable to the last day of my life."

On the seventeenth the king communicated to parliament the rescript of the French ambassador. In the commons Conway said: "What have we to do but, with fairness and manliness, to take up the idea that Franklin has thrown out?" Among the lords, Rockingham advised to break the alliance

between France and the United States by acknowledging American independence. Richmond still hoped to avoid a war. Lord Shelburne dwelt on the greatness of the affront offered by France and the impossibility of not resenting it, yet he would not listen to a private overture from the ministers. "Without Lord Chatham," he said, "any new arrangement would be inefficient; with Lord Chatham, nothing could be done but by an entire new cabinet and a change in the chief departments of the law." On the report of this language, the king wrote his last word to Lord North: "Rather than be shackled by these desperate men, I will see any form of government introduced into this island, and lose my crown rather than wear it as a disgrace."

The twentieth of March was the day appointed for the presentation of the American commissioners to the king of France in the palace built by Louis XIV. at Versailles. The world thought only of Franklin; but he was accompanied by his two colleagues and by the unreceived ministers to Prussia and Tuscany. These four glittered in lace and powder; the patriarch was dressed in the plain gala coat of Manchester velvet which he had used at the levee of George III.—the same which, according to the custom of that age, he had worn, as it proved, for the last time in England, when as agent of Massachusetts he had appeared before the privy council—with white stockings, spectacles on his nose, a round white hat under his arm, and his thin gray hair in its natural state. The crowd through which they passed received them with long-continued applause. The king, without any unusual courtesy, said to them: "I wish congress to be assured of my friendship." After the ceremony they paid a visit to the wife of Lafayette, and dined with the secretary of foreign affairs. Two days later they were introduced to the still youthful Marie Antoinette, who yielded willingly to generous impulses in behalf of republicans, and by her sympathy made the support of America a fashion at the French court. The king felt all the while as if he were wronging the cause of monarchy itself by his acknowledgment of rebel republicans, and engaged in the American revolution against his own will, only because members of his cabinet insisted that it was his duty to France to take revenge on Eng-

land. Personally he was irritated, and did not disguise his vexation. The praises lavished on Franklin by those around the queen fretted him to peevishness, and he mocked what seemed to him the pretentious enthusiasm of the Countess Diana de Polignac.

The pique of the king was in no degree due to any defect in Franklin. He was a man of the soundest understanding, never disturbed by recollections or fears, by capricious anxieties, or the susceptibilities of self-love. Free from the illusions of poetic natures, he loved truth for its own sake and saw things as they were. As a consequence, he had no eloquence but that of clearness. He knew the moral world to be subjected to laws like the natural world; in conducting affairs he remembered the necessary relation of cause to effect, aiming only at what was possible; and with a tranquil mind he signed the treaty with France, just as with calm observation he had contemplated the dangers of his country. In regard to money he was frugal, that he might be independent and that he might be generous. He owed good health to his exemplary temperance. Habitually gay, employment was his resource against weariness and sorrow; and contentment came from his superiority to ambition, interest, or vanity. There was about him more of moral greatness than appeared on the surface; and, while he made no boast of unselfish benevolence, he would have surely met martyrdom had duty demanded it.

The official conduct of Franklin and his intercourse with persons of highest rank were marked by the most delicate propriety as well as by self-respect. His charm was simplicity, which gave grace to his style and ease to his manners. No life-long courtier could have been more free from vulgarity; no diplomatist more true to his position as minister of a republic; no laborer more consistent with his former life as a workingman; and thus he won respect and favor from all. When a celebrated cause was to be heard before the parliament of Paris, the throng which filled the house and its approaches opened a way on his appearance, and he passed to the seat reserved for him amid the acclamations of the people. At the opera, at the theatres, similar honors were paid him. It is John Adams who said: "Not Leibnitz or Newton, not Fred-

eric or Voltaire, had a more universal reputation; and his character was more beloved and esteemed than that of them all." Throughout Europe there was scarcely a citizen or a peasant of any culture who was not familiar with his name, and who did not consider him as a friend to all men. At the academy, Alembert addressed him as one who had wrenched the thunderbolt from the cloud, the sceptre from tyrants; and both these ideas were of a nature to pass easily into the common mind. From the part which he had taken in the emancipation of America, imagination transfigured him as the man who had separated the colonies from Great Britain, had framed their best constitutions of government, and by counsel and example would show how to abolish all political evil throughout the world. Malesherbes spoke of the excellence of the institutions that permitted a printer, the son of a tallow-chandler, to act a great part in public affairs; and, if Malesherbes reasoned so, how much more the workmen of Paris and the people. Thus Franklin was the venerable impersonation of democracy, so calmly decorous, so free from a disposition to quarrel with the convictions of others, that, while he was the delight of free-thinking philosophers, he escaped the hatred of the clergy, and his presence excited no jealousy in the old nobility. He remarked to those in Paris who learned of him the secret of statesmanship: "He who shall introduce into public affairs the principles of primitive Christianity will change the face of the world;" and we know from Condorcet that he said in a public company: "You perceive Liberty establish herself and flourish almost under your eyes; I dare to predict that by and by you will be anxious to taste her blessings." In this way he conciliated the most opposite natures, yet not for himself. Whatever favor he met in society, whatever honor he received from the academy, whatever authority he gained as a man of science, whatever distinction came to him through the good will of the people, whatever fame he acquired throughout Europe, he turned to account for the good of his country. Surrounded by colleagues, some of whom were jealous of his superiority, and for no service whatever were greedy of the public money, he threw their angry demands into the fire. Arthur Lee intrigued to supplant him, Izard ma-

ligned him with the strangeness of passionate frenzy; but he met their hostility by patient indifference. Never detracting from the merit of any one, he did not disdain glory, and he knew how to pardon envy. Great as were the injuries which he received in England, he used toward that power undeviating frankness and fairness.

In England, Rockingham, Richmond, Burke, Fox, and Conway desired to meet the offers of Franklin. So, too, did Lord North, though he was too selfish to be true to his convictions. On the other side stood the king; but, for reasons which were hateful to the king, Chatham arrayed himself with inflexibility against American independence. Richmond, as a friend to liberty, made advances to Chatham, sending him the draft of an address which he was to move in the house of lords, and entreating of him mutual confidence and support. Chatham rejected the overture, and avowed the purpose of opposing the motion. Accordingly, on the seventh of April, against earnest requests, Lord Chatham, wrapped up in flannel to the knees, pale and wasted away, his eyes still retaining their fire, came into the house of lords, leaning upon his son William Pitt and his son-in-law Lord Mahon. The peers stood up out of respect as he hobbled to his bench. The duke of Richmond proposed and spoke elaborately in favor of an address to the king, which in substance recommended the recognition of the independent sovereignty of the thirteen revolted provinces and a change of administration. Chatham, who alone of British statesmen had a right to invite America to resume her old connection, rose from his seat with slowness and difficulty, leaning on his crutches and supported under each arm by a friend. He seemed a being superior to those around him. Raising one hand from his crutch, and casting his eyes toward heaven, he said: "I thank God that, old and infirm, and with more than one foot in the grave, I have been able to come this day to stand up in the cause of my country, perhaps never again to enter the walls of this house." Stillness prevailed. His voice, at first low and feeble, rose and became harmonious; but his speech faltered, his sentences were broken, his words were no more than flashes through darkness, shreds of sublime but unconnected eloquence. He

recalled his prophecies of the evils which were to follow such American measures as had been adopted, adding at the end of each: "and so it proved." He could not act with Lord Rockingham and his friends, because they persisted in unretracted error. He laughed to scorn the idea of an invasion of England by Spain or by France or by both. "If peace cannot be preserved with honor, why is not war declared without hesitation? This kingdom has still resources to maintain its just rights. Any state is better than despair. My lords, I rejoice that the grave has not closed upon me, that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy." The duke of Richmond answered with respect for the name of Chatham, so dear to Englishmen, but he resolutely maintained the wisdom of avoiding a war in which France and Spain would have America for their ally. Lord Chatham would have replied; but, after two or three unsuccessful efforts to rise, he fell backward and seemed in the agonies of death. Every one of the peers pressed round him, save Mansfield, who sat unmoved. The senseless sufferer was borne from the house with tender solicitude to the bed from which he never was to rise.

The king wrote at once to Lord North: "May not the political exit of Lord Chatham incline you to continue at the head of my affairs?" The world was saddened by the loss of so great a man. The elder Pitt never seemed more thoroughly the spokesman of the people of England than in the last months of his career. He came to parliament with an all-impassioned love of liberty, the proudest sentiment of nationality, his old scorn for the house of Bourbon, and a burning passion for recovering the American colonies by reviving and establishing their rights. His eloquence in the early part of the session seemed to some of his hearers to surpass all that they had heard of the orators of Greece or Rome. In his last days he was still hoping for a free England and a house of commons truly representing the British people. With a haughtiness all the more marvellous from his age, decrepitude, and insulation, he confronted alone all branches of the nobility, who had lost a continent in the vain hope of saving themselves a shilling in the pound of the land-tax, and declared that there

could be no good government but under an administration that should crush to atoms all parties of the aristocracy, and interpret law in favor of liberty. He died like a hero struck down on the field of battle after the day was lost; in heart, more than ever, the great commoner. With logical consistency, the house of lords refused to attend his funeral.

By this time the news of the French alliance with the United States had spread through Europe. It was received at St. Petersburg with lively satisfaction. In England, the king, the ministry, parliament, the British nation, all were unwilling to speak the word independence, wishing at least to retain some preference by compact. Custom, mutual confidence, sameness of language and of civil law, the habit of using English manufactures, their cheapness and merit, of themselves secured to England almost a monopoly of American commerce for a generation, and yet she stickled for the formal concession of special commercial advantages. Deluded by the long usage of monopoly, she would not see that equality was all she needed. Once more Hartley, as an informal agent from Lord North, repaired to Paris to seek of Franklin an offer of some alliance, or at least of some favor in trade. Franklin answered him as he answered other emissaries, that the Americans enjoyed independence already; its acknowledgment would secure to Britain equal but not superior advantages in commerce. Fox was satisfied with this offer, and on the tenth, when it was moved in the house of commons to enlarge the powers of the commissioners, he held up to view that greater benefits to trade would follow from friendly relations with independent America than from nominal dependence.

Fox was in the right, but was not heeded. Jackson, the former faithful agent of Connecticut, the fellow-laborer with Franklin for the rights of the colonies, ever consistent with himself, even when he became secretary of Grenville, refused to be of the commission for peace, because he saw that it was a delusion accorded by the king to quiet Lord North and to unite the nation. Long before the commissioners arrived, the United States had taken its part. On the twenty-first of April, Washington gave his opinion to a member of congress: "Nothing short of independence can possibly do. A peace on any

other terms would be a peace of war. The injuries we have received from the British nation were so unprovoked, and have been so great and so many, that they can never be forgotten. Our fidelity as a people, our character as men, are opposed to a coalition with them as subjects." The twenty-second was a day of general public fasting and humiliation, with prayers to Almighty God to strengthen and perpetuate the union. Assembled on that day in a house for public worship, congress resolved "to hold no conference or treaty with any commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or in positive and express terms acknowledge the independence of the states." "Lord North is two years too late with his political manœuvre," responded George Clinton, then governor of New York. Jay met not a single American "willing to accept peace under Lord North's terms." "No offers," wrote Robert Morris, "ought to have a hearing of one moment, unless preceded by acknowledgment of our independence, because we can never be a happy people under their domination. Great Britain would still enjoy the greatest share and most valuable parts of our trade."

Since Britain would grant no peace, on the tenth the French king despatched from Toulon a fleet, bearing Gerard as his minister to the congress of the United States, that the alliance between France and America might be riveted. On the twenty-ninth, when, in the presence of Franklin and his newly arrived colleague John Adams, Voltaire was solemnly received by the French academy, philosophic France gave the right hand of fellowship to America as its child by adoption. The numerous assembly demanded a visible sign of this union; and, in the presence of all that was most distinguished in letters and philosophy, Franklin and Voltaire kissed each other, in recognition that the war for American independence was a war for freedom of mind.

Many causes combined to procure the alliance of France and the American republic; but the force which brought all influences harmoniously together, overruling the timorous levity of Maurepas and the dull reluctance of Louis XVI., was the movement of intellectual freedom.

The spirit of free inquiry penetrated the Catholic world as

it penetrated the Protestant world. Each of their methods of reform recognised that every man shares in the eternal reason. Luther, as he climbed on his knees the marble steps of a church at Rome, heard a voice within him cry out: "Justification is by faith alone;" and he vindicated man's individuality from the point of view of religion. Descartes, meditating on a November night on the banks of the Danube, summoned each individual mind, in the consciousness of its freedom, to bring to judgment all tradition and all received opinion, and to prove all things, that it may hold fast only that which approves itself to be true.

A practical difference marked the kindred systems: the one was the method of continuity and gradual reform; the other of an instantaneous, complete, and thoroughly radical revolution. The principle of the reformation waked up a superstitious world, "asleep in lap of legends old," but did not renounce all external authority; and so it escaped premature conflicts. By the principle of Descartes, the individual man at once and altogether stood aloof from king, church, universities, public opinion, traditional science, all external authority and all other beings, and, turning every intruder out of the inner temple of the mind, kept guard at its portal to bar the entry to every belief that had not first obtained a passport from his own reason. No one ever applied the theory of Descartes with rigid inflexibility; a man can as little move without the weight of the superincumbent atmosphere, as escape altogether the opinions of the age in which he sees the light; but the theory was there, and it rescued philosophy from bondage to monkish theology, forbade to the church all inquisition into private opinion, and gave to reason, and not to civil magistrates, the maintenance of truth. The nations that learned their lessons of liberty from Luther and Calvin went forward in their natural development, and their institutions grew and shaped themselves according to the increasing public intelligence. The nations that learned their lessons of liberty from Descartes were led to question everything, and to attempt the renewal of society through the destruction of the past. The progress of liberty in all Protestant countries was marked by moderation. The German Lessing, the antitype of Luther, said to his

countrymen: "Don't put out the candles till day breaks." America conducted a revolution on the highest principles of freedom with such circumspection that it seemed to be only a war against innovation. On the other hand, free thought in France, as pure in its source as free thought in America, became speculative and skeptical and impassioned. As it broke its chains, it started up with a sentiment of revenge against the terrorism and oppression, which for centuries had sequestered the rights of mind and assumed to rule the world. Inquiry took up with zeal every question in science, politics, and morals. Free thought paid homage to the "majesty of nature;" investigated the origin of species; analyzed the air we breathe; pursued the discoveries of Columbus and Copernicus; mapped the skies; explored oceans and measured the earth; revived ancient learning; revelled in the philosophy of Greece, which was untrammelled by national theology; nursed the republican sentiment by study of the history of Athens and Rome; spoke words for liberty on the stage; and adapted the round of learning to the common understanding. Now it translated and scattered abroad the new American constitutions, and the proud intellect of France was in a maze; Turgot and Condorcet melted with admiration and sympathy as they read the organic laws, in which the unpretending law-givers of a new continent had introduced into the world of real life the ideas that for them dwelt only in hope. All influences that favored freedom of mind conspired together. Anti-prelatical Puritanism was embraced by anti-prelatical skepticism. The exiled Calvin was welcomed home as he returned by way of New England and the states where Huguenots and Presbyterians prevailed. One great current of vigorous living opinion, which there was no power in France capable of resisting, swept through society, driving all the clouds in the sky in one direction. Ministers and king and nation were hurried along together.

The wave of free thought broke as it rolled against the Pyrenees. The Bourbon of France was compelled by the public opinion of France into an alliance with America; in Spain no intellectual activity existed that could drive the Bourbon of Spain beyond the narrow range of thought in palaces. The Spanish people did not share the passion of

the French, for they had not had the training of the French. In France, there was no inquisition; in Spain, the king would have submitted his own son to its tribunal. Descartes, the philosophizing soldier of France, emancipated thought; Loyola, the contemplative soldier of Spain, organized repression; for the proud Corneille, so full of republican fire, Spain had the monkish Calderon. In Spain no poet like Molière unfrocked hypocrisy. Not only had she no Calvin, no Voltaire, no Rousseau; she had no Pascal to mock at casuistry; no prelate to instruct her princes in the rights of the people like Fénelon, or defend her church against Rome, or teach the equality of all men before God like Bossuet; no controversies through the press like those with the Huguenots; no edict of toleration like that of Nantes. A richly endowed church always leans to Arminianism and justification by works; it was so in Spain, where the spiritual instincts of man, which are the life of freedom, had been trodden under foot, and alms-giving to professed mendicants usurped the place of charity. Natural science in its progress gently strips from religion the follies of superstition, and purifies and spiritualizes faith; in Spain it was dreaded as of kin to the Islam; and, as the material world was excluded from its rightful place among the objects of study, it avenged itself by overlaying religion. The idea was lost in the symbol; to the wooden or metal cross was imputed the worth of inward piety; religious feeling was cherished by magnificent ceremonies to delight the senses; penitence in this world made atonement by using the hair shirt, the scourge, and maceration; the immortal soul was thought to be purged by material flames; by the confessional the merciless inquisition kept spies over opinion in every house, and quelled free thought by the dungeon, the torture, and the stake. Nothing was left in Spain that could tolerate Protestantism, least of all the stern Protestantism of America; nothing congenial to free thought, least of all to free thought as it was in France.

France was alive with the restless spirit of inquiry; the country beyond the Pyrenees was still benumbed by superstition, priestcraft, and tyranny over mind, and the church through its organization maintained a stagnant calm. As there

was no union between the French mind and the Spanish mind, between the French people and the Spanish people, the union of the governments was simply the result of the family compact between its kings, which the engagement between France and the United States without the assent of Spain violated and annulled. The self-love of the Catholic king was touched, that his nephew should have formed a treaty with America without waiting for his advice. The independence of colonies was an example that might divest his crown of its possessions in both parts of America; and he dreaded the establishment of republicanism on the border of his transatlantic provinces, as more surely fatal than all the power of Great Britain.

The king of France, while he declared his wish to make no conquest whatever in the war, vainly held out to the king of Spain, with the consent of the United States, the acquisition of Florida; but that province had not power to allure Charles III. or his ministry, which was a truly Spanish ministry and wished to pursue a truly Spanish policy. There was indeed one word which, if pronounced, would be potent enough to alter their decision. That word was Gibraltar; but, as it was not spoken, the king of Spain declared that he would not enter into the quarrel of France and England; that he wished to close his life in tranquillity, and valued peace too highly to sacrifice it to the interests or opinions of another.

So the flags of France and the United States went together into the field against Great Britain, unsupported by any other government. The benefit then conferred on the United States was priceless; in return the revolution in America brought to France new life and hope.

CHAPTER XVIII.

THE BRITISH ABANDON PENNSYLVANIA.

MAY–JUNE 1778.

THE alliance of France with the United States waked in the heart of Europe the hope of the overthrow of the old colonial system of commercial monopoly. American independence was won not by arms alone, but in part by the sympathies of neutral princes and nations.

Both the great belligerents were involved in contradictions at home. The government of England, in seeking to suppress in her dependencies English rights by English arms, made war on the life of her own life. Inasmuch as the party of freedom and justice, which is indeed one for all mankind, was at least seen to be one and the same for the whole English race, it appeared more and more clearly that the total subjugation of America would be the prelude to the repression of liberty in the British isles.

The country, which in the seven years' war had been impelled by the elder Pitt to mighty deeds, found in the ministry no representative. Public spirit had been quelled, and personal interests prevailed over the general good. Even impending foreign war could not hush the turbulence of partisans. The administration, having no guiding principle, held its majority in the house of commons only by sufferance and the control of patronage. Insubordination showed itself in the fleet and in the army, and most among the officers. England had not known so bad a government since the reign of James II. It was neither beloved nor respected, and truly stood neither for the people nor for any branch of the aristocracy;

neither for the spirit of the time, nor for the past age, nor for that which was coming. It was a conglomerate of inferior and heterogeneous materials, totally unfit to govern a great and free empire.

The period in British history was distinguished in philosophy by Hume and Reid and Price and Adam Smith; in painting by Reynolds; in poetry and various learning by Gray and Goldsmith, Johnson and Cowper; in legislative eloquence by Chatham, Burke, and Fox; in history by Gibbon, as well as by Hume and Robertson; in the useful arts by Brindley, Watt, and Arkwright. That the nation, in a state of high and advancing culture, should have been ruled by a sordid ministry, so inferior to itself as that of Lord North, was not due to the corruption of parliament alone; for there was always in the house of commons an independent fraction. It cannot be fully explained without considering the chaotic state of political parties.

The conflict between England and her American colonies sprang necessarily out of the development of British institutions. The supreme right of parliament as the representative of English nationality and bound to resist and overthrow the personal government of the Stuarts, was the watchword of the revolution of 1688, which had been dear to America as the death-blow to monarchical absolutism throughout the English dominions, and as the harbinger of constitutional liberty for the civilized world. Parliament again asserted its paramount authority over the crown, when by its own enactment it transferred the succession to the house of Hanover. These revolutions were achieved through a categorical principle that would endure no questioning of its rightfulness. Such a principle could not submit to modifications until it had accomplished its work; and, as it was embedded with the love of liberty in the mass of the English nation, it had moved and acted with the strength and majesty of a national conviction.

In the process of years the assertion of the supreme power of parliament assumed an exaggerated form, and was claimed to extend without limit over Ireland and over the colonies; so that the theory which had first been used to rescue and secure the liberties of England became an instrument of despo-

tism. Both branches of parliament were but representatives of the same favored class; and the kings awakened no counterpoising sentiment of loyalty so long as the house of Hanover, the creature of parliament, was represented by princes of foreign birth, ignorant of the laws and language of the land.

In this manner the government was conducted for a half century by the aristocracy, which, keeping in memory the days of the commonwealth and the days of James II., were led into the persuasion that the constitution was not safe except in the custody of the aristocracy, that the party of liberty, to use the words of Rockingham, was that which "fought up against the king and against the people."

But by the side of the theory of absolute power concentred in parliament which had twice been the sheet-anchor of the English constitution, there existed the older respect for the rights of the individual and the liberties of organized communities. These two elements of British political life were brought into collision by the American revolution, which had its provocation in the theory of the omnipotence of parliament, and its justification in the eyes of Englishmen in the principle of vital liberty diffused through all the parts of the commonwealth. The two ideas struggled for the ascendency in the mind of the British nation and in its legislature. They both are so embalmed in the undying eloquence of Burke as to have led to the most opposite estimates of his political character. They both appear in startling distinctness in the speeches and conduct of Fox, who put all at hazard on the omnipotence of parliament, and yet excelled in the clear statement and defence of the attitude of America. Both lay in irreconciled confusion in the politics of Rockingham, whose administration signalized itself by enacting the right of the king, lords, and commons of Britain to bind America in all cases whatsoever, and yet in practice humanely refused to enforce the pretension. The aristocratic party of liberty, organized on the principle of the absolute power of parliament in order to defeat effectually and for all time the designs of the king against parliamentary usages and rights, had done its work and outlived its usefulness. In opposition to the continued rule of an aristocracy, with the device of omnipotence over king and

people, there rose up around the venerable form of Chatham a new liberal party, willing to use the prerogative of the king to increase the weight of the commons.

The new party aimed at a double modification of the unrestricted sovereignty of parliament. The elder Pitt ever insisted, and his friends continued to maintain, that the commons of Great Britain had no right to impose taxes on unrepresented colonies. This was the first step in the renovation of English liberty. The next was to recognise that parliament, as then composed, did not adequately represent the nation; and the connection of Rockingham resisted both these cardinal principles of reform. This unyielding division among the opponents of Lord North prolonged his administration.

Besides, many men of honest intentions, neither wishing to see English liberties impaired, nor yet to consent to the independence of the colonies, kept their minds in a state of suspense; and this reluctance to decide led them to bear a little longer the ministry which alone professed ability to suppress the insurrection: for better men would not consent to take their places coupled with the condition of continuing their policy. Once, in a moment of petulance, Lord George Germain resigned; and the king wished to be rid of him; but he was from necessity continued in his office, because no one else could be found willing to accept it.

In the great kingdom on the other side of the channel antagonistic forces were likewise in action. As the representative of popular power, France had in reserve one great advantage over England in her numerous independent peasantry. Brought up in ignorance and seclusion, they knew not how to question anything that was taught by the church or commanded by the monarch; but, however they might for the present suffer from grievous and unredressed oppression, they constituted the safeguard of order as well as of nationality.

In the capital and among the cultivated classes of society, in coffee-houses and saloons, the cry rose for reform or revolution. The French king was absolute; yet the teachings of Montesquieu and the example of England raised in men of generous natures an uncontrollable desire for free institutions; while speculative fault-finders, knowing nothing of the

self-restraint which is taught by responsibility in the exercise of office, indulged in ideal anticipations which were colored by an exasperating remembrance of griefs and wrongs. France was the eldest daughter of the Roman church, with a king who was a sincere though not a bigoted Roman Catholic; and its philosophers carried their impassioned war against the church to the utmost verge of skepticism and unbelief, while a suspicion that forms of religion were used as a mere instrument of government began to arise in the laboring classes of the cities. But, apart from all inferior influences, the power of generalization, in which the French nation excels all others, imparts from time to time an idealistic character to its policy. The Parisians felt the reverses of the Americans as if they had been their own; and, in November 1776, an approaching rupture with England was the subject of all conversations.

The American struggle was avowedly a war in defence of the common rights of mankind. The Prince de Montbarey, who owed his place as minister of war to the favor of Maurepas and female influence, and who cherished the prejudices of his order without being aware of his own mediocrity, professed to despise the people of the United States as formed from emigrants for the most part without character and without fortune, ambitious and fanatical, and likely to attract to their support "all the rogues and the worthless from the four parts of the globe." He had warned Lafayette against leaving his wife and wasting his fortune to play the part of Don Quixote in their behalf, and had raised in the council his feeble voice against the alliance of France with the insurgents. He regarded a victory over England as of no advantage commensurate with the dangerous example of sustaining a revolt against established authority. Besides, war would accumulate disorder in the public finances, retard useful works for the happiness of France, and justify reprisals by Great Britain on the colonies of the Bourbon princes.

It was against the interior sentiment of the king and the doubts of Maurepas, that the lingering influence of the policy of the balance of power, the mercantile aspirations of France, its spirit of philosophic freedom, and its traditional antago-

nism to England as the monopolist of commerce and the ruler of the seas, forced the French alliance with America.

Just thirty-eight years before, Maurepas, in the vigor of manhood, had been famed for his aversion to England, and for the desire to found his glory on the restoration of the French navy. Of the members of the administration of Cardinal Fleury, he was thought to have had the mind of the widest range; and it was predicted of him that France would accomplish great results if he should ever become the director of its government. At length he was the first minister of a king who looked up to him with deference and implicit trust. The tone of his thoughts was unchanged; but he was so enfeebled by long exclusion from public affairs, and by years and infirmities, that no heroic enterprise could lure him from the love of quiet. By habit he put aside all business which admitted of delay. When the question of the alliance with America became urgent, he shrunk from proposing new taxes which the lately restored parliaments might refuse to register; and he gladly accepted the guarantee of Necker that all war expenditures could be met by the use of credit, financial operations, and reforms. It was only after the assurance of a sufficient supply of money from loans, that he no longer attempted to stem the opinion of Paris in favor of America.

The strength of the cabinet lay in Vergennes. He secured the unfailing good-will of his sovereign by recognising no authority of either clergy, or nobility, or third estate, but only of the monarch, whom all the three were to obey. Nor did he for a moment forget the respect due to Maurepas as his superior, so that he never excited a jealousy of rivalship. He had no prejudice about calling republics into being, whether in Europe or beyond the Atlantic, if the welfare of France seemed to require it; he continued to believe that from the family alliance Spain would follow France into the war with England; and in his eyes the interests of that branch of the house of Bourbon took precedence over those of the United States.

No head of an executive department was primarily a hearty friend to the new republic: Necker favored neutrality; and, though he was a Swiss by birth, his liberalism did not go beyond admiration of the British constitution of that day.

The statesmen of the nation had not yet deduced from experience and the intuitions of reason a system of civil liberty to supersede worn-out traditional forms; and, just before the alliance between France and the United States, the lighter literature of the hour, skeptical rather than hopeful, mocked at the contradiction between institutions and rights, and asked if while the mutinous Americans, "without kings and without queens, bearded the whole world and were free," Europe should still be crushed by inexorable tyranny. Mirabeau wrote a fiery invective against despotism from a prison of which his passionate prayer for leave to serve in America could not open the doors.

Until chastened by affliction, Marie Antoinette wanted earnestness of character, and suffered herself to be swayed by generous caprices, or family ties, or the selfish solicitations of her female companions. She had an ascendency over the king, and could not always conceal her contempt for his understanding, but never aspired to control his foreign policy, except in relation to Austria. It was only in the pursuit of benefits for her friends that she would suffer no denial. She did not spare words of petulance to a minister who dared to thwart her requests; and Necker retained her favor by never refusing them. Her enthusiasm for the new republic was only superficial and occasional, and could form no support for a steady conduct of the war.

The king felt for the Americans neither as insurgents against wrongs nor as a self-governing people; and never understood how it came about that, contrary to his own faith in monarchical power and in the Catholic church, his kingdom had plunged into a war to introduce among the potentates of the civilized world a revolutionary Protestant republic.

France was rich in resources; but its finances had not recovered from their exhaustion in the seven years' war. Their restoration became hopeless, when Necker promised to employ the fame of his severer administration only to increase the public debt, which was already too heavy to be borne. The king of Prussia, whose poverty made him a sharp observer of the revenues of wealthier powers, repeatedly foretold the bankruptcy of France if its king should break the peace.

All this while Paris was the centre of the gay society and intelligence of Europe. The best artists of the day and the masters of the rival schools of music crowded round the court. The splendor of the Bourbon monarchy was kept up at the Tuileries and Versailles with prodigal magnificence, and invention was ever devising new refinements in social enjoyment. The queen was happy in the dazzling scenes of which she was the life; the king, a young man of four-and-twenty, whom his Austrian brother-in-law described as a child, was pleased with the absolute power which he held it his right to exercise. To France, the years which followed are among the most glorious in her history, for they were those in which she prepared the way for the overthrow of feudalism and her own regeneration; but Louis XVI. and Marie Antoinette, when they embarked for the liberation of America, pleasure on the prow and the uncertain hand of youth at the helm, might have cried out to the new republic which they fostered: "Morituri te salutant," "The doomed to die salute thee."

The rescript of France, which announced to the British ministry her acknowledgment of American independence, assumed as a principle of public law that a nationality may, by its own declaration, speak itself into being. The old systems of the two governments were reversed. The British monarchy put forth its strength in behalf of unjust authority, while France became the foster-mother of republicanism. In one respect France was more suited than Britain to lead the peoples of Europe in the road to freedom. On the release of her rural population from serfdom, a large part of them retained their rights to the soil; and, though bowed down under grievous burdens and evil laws, they had a home and acres from which they could not be evicted. In England and Scotland and Ireland "the property by feudal law was strictly in the tenant," but the feudal chiefs had taken to themselves in absolute ownership nearly all the ground.

On the fourth of May the treaties of commerce and alliance with Louis XVI. were unanimously ratified by congress, with grateful acknowledgments of his magnanimous and disinterested conduct, and the "wish that the friendship so happily commenced between France and the United States might be

perpetuated." The rivalries of centuries, in which the Americans had been involved only from their dependence on England, were effaced forever; Frenchmen became their friends, and the king of France was proclaimed "the protector of the rights of mankind."

Lafayette smiled as, in Washington's camp, he read that his government dated the independence of America from the moment of its own declaration, and said prophetically: "Therein lies a principle of national sovereignty which one day will be recalled to them at home." On the sixth the alliance was celebrated at Valley Forge. After a salute of thirteen cannon and a running fire of all the musketry, the army, drawn up in two lines, shouted: "Long live the king of France!" and again: "Long live the friendly European powers!" and the ceremonies were closed by a huzza for the American states.

In an address to the inhabitants of the United States, congress assumed that independence was secured; and they proclaimed the existence of a new people, though they could not hide its want of a government. They rightly represented its territory as a continental one and most blessed in its climate and productions; they owned its financial embarrassments, because no taxes had been laid to carry on the war; and they invited their countrymen to "bring forth their armies into the field," while men of leisure were encouraged to collect moneys for the public funds. In return for all losses, they promised "the sweets of a free commerce with every part of the earth."

On the eighteenth of May a festival was given to General Howe by thirty of his officers, most of them members of his staff. The numerous company embarked on the Delaware above the town, and, to the music of one hundred and eight hautboys, rowed two miles down the stream in galleys and boats glittering with colors and streamers. They passed two hundred transport vessels tricked out in bravery and crowded with lookers-on; and, landing to the tune of "God save the King" under salutes from two decorated ships-of-war, they marched between lines of cavalry and infantry and all the standards of the army to a lawn, where, in presence of their chosen ladies raised on thrones, officers, fantastically dressed as knights and squires, engaged in a tournament. After this,

they proceeded under an ornamented arch to a splendidly furnished house, where dancing began; and a gaming table was opened with a bank of two thousand guineas. The tickets of admission described the guest of the night as the sun, going down in brightness to rise in greater glory; and fireworks in dazzling letters promised him immortal laurels. At midnight a supper of four hundred and thirty covers was served under the light of twelve hundred wax candles, and was enlivened by an orchestra of more than one hundred instruments. Dancing continued till the sun was more than an hour high. Never had subordinates given a more brilliant farewell to a departing general; and it was doubly dear to their commander, for it expressed their belief that the ministry had wronged him, and that his merit pointed him out for advancement.

The festival was hardly over when Howe was informed that Lafayette, with twenty-five hundred men and eight cannon, had crossed the Schuylkill and, twelve miles from Valley Forge, had taken a post of observation on the range of Barren Hill. Flushed with the hope of ending his American career with lustre, he resolved by a swift movement to capture the party. At ten on the nineteenth he sent Grant, at the head of fifty-three hundred chosen men, with the best guides, to gain by roundabout ways the rear of Lafayette. They were followed the next morning by fifty-seven hundred selected troops, commanded by Howe himself, assisted by Clinton and Knyphausen, with Lord Howe to witness the discomfiture of the youthful general, whom he was to ship to England. At Chestnut Hill they were to receive the American party as prisoners; but they listened in vain for the sound of cannon, and at noon Grant came in sight with only his own detachment. Lafayette had been surprised, and his direct communication with Valley Forge cut off; but a lower ford called Matson's, which was nearer to Grant than to him, remained unoccupied. Sending small parties into the woods, to present themselves as the heads of attacking columns, he deceived his antagonist and crossed the ford while Grant was preparing to give battle.

Howe, returning crestfallen to the city, on the twenty-fourth gave up to Sir Henry Clinton the command of the army. Officers who attended him to the place of embarkation shed tears

at the parting; and Knyphausen, from deep emotion, could not finish the address which, in their name, he began to read.

Brave and an adept in military science, Howe had failed in the conduct of the war from want of earnest enterprise. On landing near Bunker Hill, he had sufficient troops to have turned the position of the Americans; but he delayed just long enough for them to prepare for his attack. He was driven out of Boston from his neglect to occupy Dorchester Heights, which overlook the town. He took his troops in midwinter to the bleak, remote, and then scarcely inhabited Halifax, instead of sailing to some convenient nook on Long Island within the sound, where he would have found a milder climate, greater resources, and nearness to the scene of his next campaign.

He passed the winter in Philadelphia without attempting to break up the American camp at Valley Forge. The manner in which he threw up his command was a defiance of his government and an open intimation to Europe and to America that the attempt of England to reduce its colonies would fail. Nothing saved him from reprobation but that Lord George Germain had made mistakes still graver than his own.

Meantime, Lord Howe and Sir Henry Clinton, each acting under special instructions, separately communicated the three conciliatory acts of parliament to congress, who received them on the sixth of June, and on the same day answered: "They have in April last expressed their sentiments upon bills not essentially different. When the king of Great Britain shall be seriously disposed to end the unprovoked war waged against these United States, they will readily attend to such terms of peace as may consist with the honor of independent nations and the sacred regard they mean to pay to treaties."

On the day of this second rejection of Lord North's offers the three British commissioners arrived in Philadelphia. In sailing up the Delaware they had seen enough "to regret ten thousand times that their rulers, instead of a tour through the worn-out countries of Europe, had not finished their education with a visit round the coasts and rivers of this beautiful and boundless continent." The English rivers shrunk for them into rills; they predicted that in a few years Philadelphia would become a magnificent metropolis. Their mission was a

mere device to aid Lord North in governing the house of commons, and to "reconcile the people of England to a continuance of the war." Carlisle, the first commissioner, had in the house of lords "spoken with warmth upon the insolence of the rebels" in refusing to treat with the Howes, and stigmatized them as "base and unnatural children" of England. The second commissioner was an under-secretary, whose chief, in the same assembly, had scoffed at Congress as a "body of vagrants." The third was Johnstone, who had lately in parliament justified the Americans and charged the king with hypocrisy.

In the certainty that the commission would not be received, Clinton was instructed to abandon Philadelphia; to hold New York and Rhode Island; to curtail the boundaries of the thirteen states on the north-east and on the south; to lay waste Virginia by means of ships-of-war; and to attack Providence, Boston, and all accessible ports between New York and Nova Scotia, destroying vessels, wharfs, stores, and materials for shipbuilding; the Indians, from Detroit to Florida, were to be hounded on to spread dismay and death all along the frontiers. No active operations at the North were expected. The king, under his sign manual, ordered Clinton to detach five thousand men for the conquest of the French island, St. Lucia.

As the commissioners stepped on shore they found, to their extreme surprise and chagrin, that orders for the immediate evacuation of Philadelphia had preceded them. "If Philadelphia is left to the rebels," it was said, "independence is acknowledged and America lost." About three thousand of the inhabitants were embarking in British ships. Those who resolved to stay roused from a delusive confidence in British protection to restless anxiety. In this strait, the representatives of Britain, in a communication to congress sealed with the image of a fond mother caressing her children, recognised the constituency of congress as "states," and pressed them to accept perfect freedom of legislation and of internal government, representation in parliament, and an exemption from the presence of military forces, except with their own permission; in short, the gratification of "every wish that America had expressed." And they insinuated that France was the common enemy. These offers were made without authority, and were therefore

fraudulent; and, before an answer could be received, they had sailed down the Delaware.

Congress resented the letter of the commissioners as an offence to their own honor and to their ally. Their wars with France had been but a consequence of their connection with England; independence was peace, and, by a unanimous vote, they on the seventeenth made answer as before: "The idea of dependence is inadmissible. Congress will be ready to enter upon a treaty of peace and commerce when the king of Great Britain shall demonstrate a sincere disposition for that purpose by an explicit acknowledgment of the independence of these states, or withdrawing his fleets and armies." The American officers were of the same mind, except Lee who was false, and Gates, who, in the belief that everything contended for was granted, wished a conference with the commissioners. To Johnstone Washington wrote: "The voice of congress is the voice of the people."

The convention of Saratoga had been broken by the British, at the time of the surrender, by the concealment of public property. In November 1777, Burgoyne had made a formal but groundless complaint of its violation by the Americans, and raised the implication that the pretended breach might be used to disengage himself and his government from all the obligations which it imposed. Moreover, congress had made a demand for lists of all persons comprehended in the surrender, and a compliance with this proper and even necessary requisition had been refused. In January 1778, congress suspended the embarkation of the army until the convention should be confirmed by the highest authority of Great Britain. Refusing the intervention of the British commissioners, from their want of power, congress, on the fourth of September, without a dissentient voice, confirmed their resolution.

On the night following the seventeenth of June, Sir Henry Clinton crossed the Delaware with more than seventeen thousand effective men. The loyalists saw in the retreat a violation of the plighted faith of the British king. The winter's revelry was over; honors and offices turned suddenly to bitterness and ashes; papers of protection became only an opprobrium and a peril. Crowds of wretched refugees, with all of their posses-

sions which they could transport, fled with the army. The sky sparkled with stars; the air of the summer night was soft and tranquil, as the exiles, broken in fortune and without a career, went in despair from the only city they could love.

While the American army was pining from the delinquency of the states to meet the requisitions of Congress, Lee, then second in command, was treacherously plotting its ruin. His loud fault-finding was rebuked by the general for its "very mischievous" tendency. To secure to the British a retreat "on velvet," Lee asserted that they would move to the south. In a council on the seventeenth, he gave as his advice that it would not be safe to attack the British, and carried with him all the officers except Greene, Lafayette, Wayne, and Cadwalader. Unmoved by the apathy of so many, Washington crossed the Delaware sixteen miles above Trenton, and, detaching Maxwell's brigade of nine hundred to assist a party of a thousand Jersey militia in destroying the roads, and Morgan with a corps of six hundred to hang upon the enemy's right, he moved with the main army to Hopewell. There, on the twenty-fourth, Lee insisted in council that the Americans should rather build a bridge for the retreat of their enemies than attack so well-disciplined an army. Lafayette replied that it would be shameful to suffer the British to cross New Jersey with impunity; that, without extreme risk, it was possible to engage their rear and take advantage of any favorable opportunity; still Lord Stirling and most of the brigadiers again sided with Lee.

From Allentown the British general, fearing danger in crossing the Raritan, decided to march by way of Monmouth to Sandy Hook; and Washington followed him in a parallel line, ready to strike his force at right angles. The parties in advance, increased by Scott with fourteen hundred and forty men, and on the twenty-fifth by Wayne with a thousand more, composed a third of the army, and formed a fit command for the oldest major-general. But Lee refused it, saying that the plan must surely fail. Upon this Washington intrusted it to Lafayette, who marched toward the enemy with alacrity. Lee now fretted at the wrong which he pretended was done to himself and to Lord Stirling. As Washington heard him un-

moved, he wrote to Lafayette: "My fortune and my honor are in your hands; you are too generous to ruin the one or the other." And this appeal succeeded.

On the twenty-sixth, Lee was sent forward with two brigades to command the advance party, with orders to attack the enemy's rear. Intense heat and heavy rains held both armies quiet on the twenty-seventh; but, just after noon on that day, Washington, summoning the generals to head-quarters, instructed them to engage the enemy on the next morning; and he directed Lee to concert with his officers the mode of attack. But, when Lafayette, Wayne, and Maxwell at the appointed hour came to Lee, he refused to form a plan, so that none was made; nor did he attempt to gain knowledge of the ground on which he was ordered to fight. In the evening he was charged by Washington to detach a party of six or eight hundred skirmishers, to lie very near the enemy, and delay them, if they should move off at night or early in the morning. The order was executed too tardily to have effect.

Informed at five in the morning of the twenty-eighth, that the British had begun their march from Monmouth, Lee remained inert, till Washington, who was the first to be in motion, sent him orders to attack the British rear, unless there should be very powerful reasons to the contrary, promising to come up rapidly to his support. He obeyed so far as to move languidly, but without a plan or any concert with his generals. To a proposal of Lafayette, Lee answered: "You don't know the British soldiers: we cannot stand against them." Upon this, Lafayette sent to Washington that his presence on the field was needed; and twice were similar messages sent by Laurens. Having orders to attack the enemy's left, Lafayette received counter orders before he had proceeded one quarter of the way. Wayne was on the point of engaging the enemy in earnest, when he was enjoined only to make a feint. There was marching and counter-marching, crossing and recrossing a bridge, and a halt for an hour. To a French officer who expressed surprise, Lee said: "I have orders from congress and the commander-in-chief not to engage;" yet, to appear to do something, he professed as his object to cut off a small covering party.

Thus Sir Henry Clinton gained time for preparation. His baggage, which occupied a line of eight miles or more, was sent onward, protected by a strong force under Knyphausen. The division of Cornwallis and a brigade and a regiment of dragoons from Knyphausen's division remained behind. At about eight in the morning Clinton sent against Lee two regiments of cavalry, with the grenadiers, guards, and Highlanders, and "the flower of the American infantry was vanquished by their obedience to the commands of a leader who meditated their disgrace." * As the enemy followed the Americans through a narrow defile, no order was sent by Lee to any of the parties to rally, and no word of all that happened officially communicated to the commander-in-chief.

When Washington encountered the fugitives, he, in a voice of just anger, demanded of Lee: "What is the meaning of this?" Abashed and confused, Lee stammered: "Sir—sir;" and to the renewed inquiry answered: "You know that the attack was contrary to my advice and opinion." Washington rejoined: "You should not have undertaken the command unless you intended to carry it through," and at once arrested the retreat. As the narrow road, through which the best troops of the British army, led by Clinton and Cornwallis and numbering from six to eight thousand, were now hotly chasing an unresisting enemy, was bounded on each side by a morass, he swiftly formed two of the retreating regiments of Wayne's brigade, commanded by Stewart and Ramsay, in front of the pursuers and under their fire; and thus gained time to plant the troops that were advancing with him upon good ground. This being done, he again met Lee, who was doing nothing, "like one in a private capacity;" and, finding in him no disposition to retrieve his character, ordered him to the rear. Even Laurens hoped for no more than an orderly retreat; and Hamilton's thought was to die on the spot. But Washington's self-possession, his inspiring mien, his exposure of himself to every danger, and the obvious wisdom of his orders, kindled the enthusiasm of officers and men; while Lee in the rear, sitting idly on horseback, explained to bystanders that "the attempt was madness and could not be successful." The British cavalry were easily

* Hamilton's Works, ii., 485.

driven back and showed themselves no more. The regiments of foot came up next; but they could not turn the left flank, where Stirling commanded, without exposing their own right to the American artillery. The attack upon the right, where Greene commanded, was defeated by his battery. Others encountered the grenadiers and guards till they turned and fled; and when they rallied and came back to the charge, Wayne with a body of infantry engaged them face to face till they were again repulsed, Lieutenant-Colonel Monckton falling at their head. During the day the heat reached ninety-six degrees in the shade; and many on both sides, struck by the sun, fell dead without a wound.

The British retired through the pass by which they had advanced, and occupied a position accessible in front only by the narrow road, and protected on both flanks by woods and morasses which could not be turned before night. Two American brigades hung on their right, a third on their left, while the rest of the army planted their standards on the field of battle, and lay on their arms to renew the contest at daybreak. But Clinton, abandoning his severely wounded and leaving his dead unburied, before midnight withdrew his forces, which at the early dawn found shelter in the highlands of Middleburg. Washington then marched toward the North river; the British for New York by way of Sandy Hook.

On receiving the English accounts, Frederic of Prussia replied: "Clinton gained no advantage except to reach New York with the wreck of his army; America is probably lost for England."

Of the Americans who were in the engagement, two hundred and twenty-nine were killed or wounded. Of the British, more than four hundred; and above eight hundred deserted their standard during the march through the Jerseys.

In the battle, which took its name from the adjacent village of Monmouth, the American generals except Lee did well; Wayne especially established his fame. The army and the whole country resounded with the praises of Washington, and congress unanimously thanked him "for his great good conduct and victory." Nor may history omit to record that, of the "revolutionary patriots" who on that day perilled life

for their country, more than seven hundred colored Americans fought side by side with the white.

After the battle, Lee was treated from head-quarters with forbearance; but in two letters to the commander-in-chief he avowed the expectation that the campaign would close the war—that is, that the terms offered by the British commissioners would be accepted—and demanded reparation for injustice and injury. A court-martial found him guilty of disobedience, misbehavior before the enemy, and disrespect to the commander-in-chief, and all too leniently did but suspend him from command for twelve months. After long delay, congress confirmed the sentence, though by a narrow vote. The next year it censured Lee for obtaining money through British officers in New York, and in January 1780, provoked by an impertinent letter, dismissed him from the service. From that time he no longer concealed his wish for the return of America to her old allegiance, and his chosen companions were the partisans of England. Under the false colors of military genius and experience in war, he had solicited a command; after his appointment he had given the reins to self-will so that misfortune overtook his treachery. In October 1782, sinking under a fever in a sordid inn at Philadelphia, he died as he had lived, loving neither God nor man.

CHAPTER XIX.

AFTER THE FRENCH ALLIANCE.

JUNE–DECEMBER 1778.

CONFINED between ridges three miles apart, the Susquehannah, for a little more than twenty miles, winds through the valley of Wyoming. Abrupt rocks, rent by tributary streams, rise on the east, while the western declivities are luxuriantly fertile. Connecticut, whose charter from Charles II. was older than that of Pennsylvania, using its prior claim to lands north of the Mamaroneck river, had colonized this beautiful region and governed it as its county of Westmoreland. The settlements, begun in 1754, increased in numbers and wealth till their annual tax amounted to two thousand pounds in Connecticut currency. In the winter of 1776 the people aided Washington with two companies of infantry, though their men were all needed to protect their own homes. Knowing the alliance of the British with the Six Nations, they built a line of ten forts as places of refuge.

The Seneca tribe kept fresh in memory their chiefs and braves who fell in the conflict with the New York husbandmen at Oriskany. Their king, Sucingerachton, was, both in war and in council, the foremost man in all the Six Nations. Compared with him, the Mohawk, Brant, who had been but very lately known upon the war-path, was lightly esteemed. His attachment to the English increased to a passion on the alliance of America with the French, for whom he cherished implacable hate. Through his interest, and by the blandishments of gifts and pay and chances of revenge, Colonel John Butler lured the Seneca warriors to cross the border of Pennsylvania under the British flag.

The party of savages and rangers, numbering between five hundred and seven hundred men, fell down the Tioga river, and on the last day of June hid in the forests above Wyoming. The next day the two northernmost forts capitulated. The men of Wyoming, old and young, with one regular company, in all hardly more than three hundred, took counsel with one another, and found no hope of deliverance for their families but through a victorious encounter with a foe of twice their number, and more skilful in the woods than themselves. On the third of July the devoted band, led by Colonel Zebulon Butler, who had just returned from the continental service, began their march up the river. The horde of invaders, pretending to retreat, couched themselves on the ground in an open wood. The villagers of Wyoming began firing as they drew near, and at the third volley stood within one hundred yards of the ambush, when the Seneca braves rose to the attack and were immediately seconded by the rangers. The Senecas gave no quarter, and in less than a half-hour took two hundred and twenty-five scalps, among them those of two field officers and seven captains. The rangers saved the lives of but five of their captives. On the British side only two whites were killed and eight Indians wounded. The next day the remaining forts, filled chiefly with women and children, capitulated. The long and wailing procession of the survivors, flying from their fields of corn, their gardens, the flames of their cottages, the unburied bodies of their beloved defenders, escaped by a pass through the hills to the eastern settlements. Every fort and dwelling was burnt.

The Senecas roamed over the surrounding country, adepts in murder and devastation. The British leader boasted in his report that his party had burnt a thousand houses and every mill; Germain in reply extolled their prowess and even their humanity, and resolved on directing a succession of similar parties, and to waste the older settlements, but not to recover and hold them. The ancient affection for England was washed out in blood.

After the retreat of the British, the government of Pennsylvania, as well as that of New Jersey, used the right of bringing to trial those of their citizens who had been false to their

allegiance; but Livingston, the governor of New Jersey, pardoned every one of seventeen who were found guilty. At Philadelphia, against his intercession, two men, one of whom had conducted a British party to a midnight carnage, were convicted, and suffered on the gallows. Regret prevailed that these had not in like manner been forgiven.

Before the treaties of alliance had been signed Vergennes wrote "that it was almost physically impossible for the English to wrest independence from the Americans; that all efforts, however great, would be powerless to recall a people so thoroughly determined to refuse submission." On the side of the sea, from Nova Scotia to Florida, the British occupied no posts except the island of Rhode Island, and New York city with its environs. The British were as yet at Ogdensburg, Niagara, and Detroit; but the Americans held the country from the Highlands to the water-shed of Lake Ontario.

The love and the exercise of individual liberty, though they hindered the efficiency of government, made the Americans unconquerable. They looked beyond danger to the enjoyment of peace in a family and country of their own. Their service in the camp exalted their character; they knew that they were suffering, not for their own land only, but for the benefit of the human race. Moreover, the inmost mind of the American people had changed. The consciousness of a national life had dissolved the sentiment of loyalty to the crown of England.

In England a similar revolution had taken place. The insurgents, losing the name of rebels, began to be called Americans. Officers, returning from the war, said openly that "no person of judgment conceived the least hope that the colonies could be subjected by force." Some British statesmen thought to retain a political, or at least a commercial, connection; while many were willing to give them up unconditionally. Even before the surrender of Burgoyne, Gibbon, a member of the board of trade, confessed that, though England had sent to America the greatest force which any European power ever ventured to transport into that continent, it was not strong enough to attack its enemy, nor to prevent them from receiving assistance; the war "measures" of the administration

were therefore "so repugnant to sound policy that they ceased to be right." After that surrender, he agreed that, since "the substance of power was lost, the name of independence might be granted to the Americans." General Howe coupled his retirement from active service with the avowal that the disposable resources of his country could produce no decisive result. "Things go ill, and will not go better," wrote the chief of the new commission for establishing peace. Sir Henry Clinton, the successor of Howe, reported himself too weak to attempt the restoration of the king's authority. Lord George Germain had no plan for the coming campaign but to lay the colonies waste. Lord North, who had been at the head of affairs from 1770, owned in anguish the failure of his system and deplored its continuance. Should the Americans ratify the French alliance, Lord Amherst, who was the guide of the ministry in the conduct of the war, recommended the evacuation of New York and Rhode Island and the employment of the troops against the French West Indies.

But the radical change of opinion was shown most clearly by the votes of parliament. In February 1774, the house of commons, in a moment of unrestrained passion, adopted measures for enforcing the traditional absolutism of parliament by majorities of three to one: corresponding majorities, in February 1778, reversed its judgment, repealed the punitive acts, and conceded everything which the colonies had demanded.

There was "a general cry for peace." The king, in January 1778, confessed to Lord North: "The time may come when it will be wise to abandon all North America but Canada, Nova Scotia, and the Floridas; but then the generality of the nation must see it first in that light." Lord Rockingham was convinced, and desired to "convince the public, of the impossibility of going on with the war." On the second of February, Fox spoke against its continuance, and was heard with favor; and on the division several tories voted with him. English opinion had by this time resigned itself to the belief that the United States could not be reduced.

Fox would have had England "instantly declare their independence;" Pownall, who had once defended the stamp

act, urged their recognition; and Conway, breaking through his reserve, said in parliament: "It has been proved to demonstration that there is no other method of having peace with them but acknowledging them to be, what they really are, and what they are determined to remain, independent states." The house of commons seemed secretly to agree with him. Tories began to vote against the ministry. The secretary of war, Lord Barrington, said to the king: "The opinion that the administration is not equal to the times prevails even among those who are most dependent on the ministers and most attached to them; nay, it prevails among the ministers themselves." Lord North was convinced of the ruinous tendency of his measures, and professed, but only professed, an earnest wish to resign office. Lord Mansfield deplored the danger of a war with both houses of the Bourbons. The landed aristocracy were grown weary of the conflict of which the continuance promised only increasing taxation and a visible loss of national dignity and importance. So long as there remained a hope of recovering America, the ministers were supported, for they alone would undertake its reduction. The desire to replace them by statesmen more worthy of a great people implied the consent to peace on the basis of American independence. To that end all elements conspired.

On the second of July the president and several members of congress met once more in Philadelphia. On the ninth the articles of confederation, engrossed on parchment, were signed by eight states. On the tenth, congress issued a circular to the other five, urging them "to conclude the glorious compact which was to unite the strength, wealth, and councils of the whole." North Carolina acceded on the twenty-first; Georgia, on the twenty-fourth. New Jersey demanded for the United States the regulation of trade and the ownership of the ungranted north-western domain; but, after unassisted efforts for a more efficient union, the state, on the twenty-fifth of the following November, accepted the confederacy without amendment; and, on the fifth of May 1779, the delegates of Delaware did the same. Maryland alone arrested the consummation of the confederation by demanding, that the public lands north-west of the Ohio should first be recognised as the

common property of all the states, and held as a common resource to discharge the debts contracted by congress for the expenses of the war.

On the eighth of July the French fleet, consisting of twelve ships of the line and three frigates, after a rough voyage of nearly ninety days from Toulon, anchored in the bay of Delaware, ten days too late to intercept the inferior squadron of Lord Howe and its crowd of transports on their retreat from Philadelphia. The Count d'Estaing had persuaded Marie Antoinette to propose the expedition, of which he became the admiral. On the eleventh, congress learned from his letters that he was "ready to co-operate with the states in the reduction of the British army and navy." This first invitation to a concert of measures revealed that the American people, for want of an organized government, could do no more than empower Washington to call upon the six states north of the Delaware for aids of militia, while its financial measure was a popular loan to be raised throughout the country by volunteer collectors.

D'Estaing followed his enemy to the North, and anchored within Sandy Hook, where he intercepted unsuspecting British ships bound for New York. The fleet of Lord Howe was imperfectly manned, but his fame attracted from merchant vessels and transports a full complement of volunteers. The French fleet desired nevertheless to sail up the bay and offer battle; but no pilots could be found to take its largest ships through the channel.

Since New York could not be reached, d'Estaing, ignorant of the secret agreement between France and Spain, indulged the dream of annexing British Newfoundland to the American republic as a fourteenth state with representation in congress. Washington proposed to employ the temporary superiority at sea in the capture of Rhode Island and its garrison of six thousand men. He had in advance summoned Massachusetts, Connecticut, and Rhode Island to send quotas of their militia for the expedition. The council of war of Rhode Island, exceeding his requirement, called out one half of the effective force of the state for twenty days from the first of August, and ordered the remainder to be ready at a minute's

warning. Out of his own feeble army he spared one brigade from Massachusetts and one from Rhode Island, of one thousand each, and they were followed by a further detachment. Directing Sullivan, who was placed over the district of Rhode Island, to throw the American troops into two divisions, he sent Greene to command the one, and Lafayette the other. Young Laurens served d'Estaing as aid and interpreter. On the twenty-ninth of July, while Clinton was reporting to Germain that he would probably be under the necessity of evacuating New York and retiring to Halifax, the French fleet, with thirty-five hundred land troops on board, appeared off Newport; and the British saw themselves forced to destroy ten or more armed ships and galleys, carrying two hundred and twelve guns.

The country was palpitating with joy at the alliance with France. Congress, on Sunday the sixth of August, with studied ceremony gave its audience of reception to Conrad Alexander Gerard, the French plenipotentiary, listened to his assurances of the affection of his king for the United States and for "each one" of them, and "acknowledged the hand of a gracious Providence in raising them up so powerful a friend." Robert Livingston expressed the hope that congress, in treating for peace, would insist on the independence of Canada, Hudson's bay, the Floridas, and all the continent.

On the eighth the French fleet, which a whim of Sullivan had detained for ten days in the offing, ran past the British batteries into the harbor of Newport. The landing had been concerted for the tenth; but, learning that the British outposts on the north of the island had been withdrawn, Sullivan, on the morning of the ninth, without notice to d'Estaing, crossed with his troops from the side of Tiverton. Scarcely had he done so when the squadron of Lord Howe, which had been reinforced from England, was seen to anchor near Point Judith. On the tenth, a strong wind rising from the north-east, d'Estaing, by advice of his officers, among whom were Suffren and de Grasse, bore down upon the British squadron in order of battle. While d'Estaing was baffled in the attempt to force an action, the wind increased to a hurricane and wrecked and scattered both fleets. The French ship Languedoc lost its

rudder and masts; the Apollo, to which the British admiral had shifted his flag, could not keep at sea.

The same storm flooded Rhode Island with rain, damaged the ammunition of the American army, overturned their tents, and left them no shelter except trees and fences. Horses were killed, and even soldiers perished. The British troops, being quartered in the town, suffered less; and, on the return of fair weather, Pigot, but for his inertness, might have fallen upon a defenceless enemy.

The squadron of Lord Howe steered for Sandy Hook. D'Estaing, three of whose ships had severally encountered three English ships, appeared on the twentieth within sight of Newport; but only to announce that he was compelled to sail for Boston for repairs and supplies. In general orders, Sullivan censured d'Estaing, and insinuated the inutility of the French alliance; and then, under compulsion from Lafayette, in other general orders made reparation. Washington sent him timely and incessant messages to withdraw from the island; yet he persisted in raising on Honyman's Hill batteries which were too remote to be of use. The retreat, which was conducted in the presence of regular troops superior in numbers, was delayed till the night of the twenty-eighth. The next day the British attempted to get round the American right wing, and cut off every chance of escape. On that side, Greene, supported by young Laurens, changed the defence into an attack, and drove the enemy in disorder and with loss back to their strong post on Quaker Hill. On the night following the thirtieth the army of Sullivan, evading its pursuers, escaped from the island.

Clinton, with a reinforcement of four thousand men, landed the next day. He soon returned to New York, having accomplished nothing, except that a detachment under Grey set fire to the shipping in New Bedford, and then levied cattle and money on the farmers of Martha's Vineyard. Lord Howe gave up the naval command to Admiral Byron, and was not again employed in America. Washington, in August, as he came again upon White Plains, wrote to a friend in Virginia: "After two years' manœuvring and the strangest vicissitudes, both armies are brought back to the very point they set out

from, and the offending party at the beginning is now reduced to the use of the spade and pickaxe for defence. The hand of Providence has been so conspicuous in all this that he must be worse than an infidel that lacks faith, and more than wicked that has not gratitude to acknowledge his obligations." Governor Trumbull of Connecticut expressed the belief of his state when he said: "In the series of marvellous occurrences during the present war he must be blind who doth not see the divine ordering thereof."

On the third of October the commissioners for restoring peace to the colonies addressed a farewell manifesto to the congress, assemblies, and other inhabitants of America, that their persistence in separating from Great Britain would "change the whole nature and future conduct of this war;" that "the extremes of war" should so distress the people and desolate the country as to make them of little avail to France. Congress published the paper in the gazettes to convince the people of the insidious designs of the commissioners. In the British house of commons Coke of Norfolk proposed to disavow the declaration. Lord George Germain insisted that the Americans by their alliance were become French, and should be treated as Frenchmen. Burke pointed out that the "dreadful menace was pronounced against those who, conscious of rectitude, stood up to fight for freedom and country." The commissioner, Johnstone, who, in changing sides on the American question, had not tamed the fury of his manner, said: "No quarter ought to be shown to their congress; and, if the infernals could be let loose against them, I should approve of the measure. The proclamation certainly does mean a war of desolation; it can mean nothing else." Gibbon divided silently with the friends of America, who had with them the judgment, though not the vote, of the house. Three days later Rockingham in the house of lords denounced the "accursed" manifesto, and declared that "since the coming of Christ war had not been conducted on such inhuman ideas." Lord Suffolk, in reply, appealed to the bench of bishops; on which the bishop of Peterborough, tracing the resemblance between the proclamation and the acts of Butler at Wyoming, added: "There is an article in the extraordinaries of the army for

scalping-knives. Great Britain defeats any hope in the justness of her cause by means like these to support it."

The debate closed well for America, except that Lord Shelburne was provoked into saying that he never would serve with any man who would consent to its independence.

The British army under Clinton could only ravage and destroy by sudden expeditions. Toward the end of September, Cornwallis led a foray into New Jersey; and Major-General Grey with a party of infantry, surprising Baylor's light-horse, used the bayonet mercilessly against men that sued for quarter. A band, led by Captain Patrick Ferguson in October, after destroying the shipping in Little Egg Harbor, spread through the neighboring country to burn the houses and waste the lands of the patriots. On the night of the fifteenth they surprised light infantry under Pulaski's command; and, cumbering themselves with no prisoners, killed all they could. In November a large party of Indians, with bands of tories and regulars, entered Cherry valley by an unguarded pass, and, finding the fort too strong to be taken, murdered and scalped more than thirty of the inhabitants, most of them women and children.

Immediately after the general declaration of independence the citizens of South Carolina, by common consent, intrusted constituent powers to their representatives. In January 1777, a bill for a new constitution was introduced. The senate was to be chosen by the electors in the several parishes; the distribution of the representation in the general assembly was left unchanged. The bill was printed, and submitted for examination to the people for more than a year. The legislature, in March 1778, gave it their sanction; and it was then presented to the president for confirmation. Every one expected that in a few hours it would be proclaimed, when Rutledge, the outgoing president, called the council and assembly into the council chamber, and, after a formal speech, gave it a negative, because it took from the chief of the executive his veto power. The majority determined to vote no taxes until the veto should be reversed. After a three days' adjournment, which was required by the rules before a rejected bill could be again brought forward, Rawlins Lowndes, the newly elected president, gave his sanction to the re-enacted bill.

The new constitution might be altered by legislative authority after a notice of ninety days. None but freeholders could elect or be elected to office; and for the higher offices the possession of a large freehold was required. In any redistribution of the representation of the state, the number of white inhabitants and the amount of taxable property were to be considered. The veto power was taken from the president. Till this time, the church of England had been the established church in South Carolina. The Christian Protestant church was now declared to be the established religion of the state; and none but Protestants were eligible to high executive or any legislative office. The right of suffrage was conferred exclusively on every free white man who, having the requisite age and freehold, acknowledged God and a future state of rewards and punishments. All persons who so believed, and that God is publicly to be worshipped, might form religious societies. The support of religious worship was voluntary; the property then belonging to societies of the church of England, or any other religious societies, was secured to them in perpetuity. The people were to enjoy forever the right of electing their own pastors or clergy; but the state was entitled to security for the due discharge of the pastoral office by the persons so elected. Of slaves or slavery no mention was made except by implication.

The constitution having been adopted on the nineteenth of March 1778, to go into effect on the following twenty-ninth of November, all resident free male persons in the state above sixteen years, refusing to take the oath to maintain it against the king of Great Britain and all other enemies, were exiled; but a period of twelve months after their departure was allowed them to dispose of their property. In October 1778, after the intention of the British to reduce South Carolina became known, death was made the penalty for refusing to depart from the state, or for returning without permission.

At this time the British ministry, resigning the hope of reducing the North, indulged the expectation of conquering all the states south of the Susquehannah. For this end the British commander-in-chief at New York was ordered to despatch before October, if possible, a thousand men to reinforce

Pensacola, and three thousand to take Savannah. Two thousand more were destined as a reinforcement to St. Augustine.

The new policy was inaugurated by remonstrances from the highest British officials in America, and was followed by never-ending complaints. Lord Carlisle and his associate commissioners deprecated the policy of enfeebling New York by detachments for distant services. "Under these appearances of weakness," so they reported, "our cause has visibly declined." Sir Henry Clinton remonstrated against being "a mournful witness of the debility" of his army "reduced to a starved defensive." Every detachment for the southern campaign was made with sullen reluctance; and his indirect criminations offended the unforgiving minister.

The use of paper money by the Americans and its ever-accelerated depreciation, and the want of a central government, revived the hope of subjugating them. The United States closed the campaign of 1778 before autumn, for want of money. Paper bills, emitted by congress on its pledge of the faith of each separate state, supported the war in its earliest period. Their decline was hastened by the disasters that befell the American armies. Their value was further impaired by the ignoble stratagem of the British ministers, under whose authority Lord Dunmore and others introduced into the circulation of Virginia and other states a large number of bills counterfeited for the purpose in England. In October 1776, congress, which possessed no independent resources and no powers on which credit could be founded, opened loan offices in the several states, and authorized a lottery. In December it issued five million dollars more in continental bills. In January 1777, when they had sunk to one half of their pretended value, it denounced every person who would not receive them at par as a public enemy, liable to forfeit whatever he offered for sale; and it requested the state legislatures to declare them a lawful tender. This Massachusetts had enacted a month before; and the example was followed throughout the union.

The loan offices exchanged United States paper money at par for certificates of debt bearing six per cent interest. On a hint from Arthur Lee, congress resolved to pay this interest by drawing on its commissioners in Paris for coin, though the

commissioners had no funds. The bills were of a very long date; and, before they became due, one dollar in coin was worth six in paper.

In the middle of November 1776, Massachusetts, which had grown opulent before the war by tolerating no currency but hard money, proposed a convention of committees from the several New England states to consider all questions relating to public credit. Connecticut feared the measure would give umbrage to congress. Upon this, a convention of the New England states, called by Rhode Island under the name of "a council of war," met on Christmas day at Providence. They regulated prices, proposed taxation and loans, and recommended that the states should issue no more paper, "unless in extreme cases." Congress liked their doings so well that, in January 1777, it advised similar conventions of the middle and of the three southernmost states. Striving for the monopoly of paper money, it asked the states to call in their bills, and to issue no more.

All the measures hitherto suggested having failed of their object, Massachusetts once more took the lead; and, on her invitation, the four New England states and New York met, near the end of July, at Springfield on the Connecticut. With one voice, they found the root of all financial difficulties in the use of irredeemable paper. As the only remedy, they proposed to sink all bills of the states, and to provide alike for their local expenses and those of the war by quarter-yearly taxes. Their example showed how readily the people of the states could come together by their delegates for the purpose of reforming the government; prices rose and bills went down with accelerated speed.

The anxious deliberations of the committee of congress during more than two months at Yorktown, with the report of the Springfield convention before them, produced only a recommendation, adopted in November 1777, that the several states should become creditors of the United States by raising for the continental treasury five millions of dollars in four quarterly instalments, the first payment to be made on the coming New Year's day, and the whole to bear six per cent interest until the final adjustment of accounts, after the con-

federation should have been ratified. Massachusetts was rated at eight hundred and twenty thousand dollars; Virginia, at eight hundred; Pennsylvania, at six hundred and twenty; Connecticut, at six hundred; New York, rent and ravaged by the war, at two hundred; Delaware and Georgia, each at sixty. A general wish prevailed to respect the recommendation; but most of the states retained their quotas to reimburse themselves for advances; and, besides, they were all weighed down by expenses and obligations of their own.

Shadowy hopes of foreign loans rose before congress. In December 1777, in advance of treaties of commerce and alliance, the American commissioners in France and Spain were instructed to borrow two million pounds sterling, to be repaid in ten years; and, in February 1778, the commissioner for Tuscany was charged to borrow half as much more. Yet the grand duke of Tuscany would have no relations with the United States; and no power was so ill disposed toward them as the king of Spain.

To the American people congress wrote in May: "The reasons that your money hath depreciated are, because no taxes have been imposed to carry on the war;" but they did not as yet venture to ask power to levy taxes. On obtaining the king of France for their ally, they authorized drafts on their commissioners in Paris for thirty-one and a half millions of livres at five livres to the dollar, in payment of loan-office certificates, leaving Franklin and his colleagues to meet the bills of exchange as they could. Of continental bills, five millions of dollars were issued in May, as many more in June, and as many more in July. In August, congress devoted two days in the week to the consideration of its finances, but with no better result than to order five millions of dollars in paper in the first week of September, and ten millions more in the last. Certificates of the loan offices were used in great amounts in payment of debts to the separate states, especially to Pennsylvania.

The legalized use of paper money spread its never-failing blight. Trade became a game of hazard. Unscrupulous debtors discharged contracts of long standing in bills worth perhaps but a twentieth of their nominal value. The unwary

ran in debt, while cunning creditors waited for payment till the continental bills should cease to be a legal tender.

The name of Richard Price was dear to every lover of political freedom. He derived his theory of morals from eternal and immutable principles, and his essay on "Liberty," which was read in Great Britain, America, and, through a translation, in Germany, founded the rights of man on the reality of truth and justice. He had devised a scheme for the payment of the British debt. Congress, on the sixth of October, invited him to become their fellow-citizen, and to regulate their finances. The invitation was declined by their illustrious friend; but he gave the assurance that he "looked upon the United States as now the hope, and soon to become the refuge, of mankind."

From this time congress saw no resource but in such "very considerable loans or subsidies in Europe" as could be expected only from an ally; and, before the end of October, they instructed Franklin "to assure his most Christian majesty they hoped protection from his power and magnanimity." There were those in congress who would not place their country under "protection;" but the word was retained by eight states against Rhode Island and Maryland. Samuel Adams and Lovell of Massachusetts voted for it, but were balanced by Gerry and Holten; Sherman of Connecticut opposed it, but his vote was neutralized by that of Ellsworth. The people of the United States, in proportion to their numbers, were more opulent than the people of France; but the pride that would not consent to an efficient union was willing to ask protection.

The country was looking to the United Provinces for aid; and in December Laurens retired from the office of president of congress, in the expectation of being appointed to negotiate a loan in the Netherlands. Till money could be borrowed, paper was the only resource; and the wants of November and December required an emission of rather more than twenty millions. The debt of the United States, in currency and in certificates, was estimated at one hundred and forty millions. The continental bills already exceeded one hundred and six millions of dollars, and had fallen in value to

twenty for one in silver; yet congress maintained "the certainty of their redemption," and resolved—Samuel Adams and six others dissenting—"that any contrary report was false, and derogatory to its honor." To make good the promise, the states were invited to withdraw six millions of paper dollars annually for eighteen years, beginning with the year 1780. The measure was carried by Pennsylvania and the states north of it, against the southern states.

The expenses of the year 1778, so far as they were defrayed by congress, amounted to sixty-two and a sixth millions in paper money, besides more than eighty-four thousand dollars in specie. Toward the expenses of the coming year, nothing further was done than to invite the states to contribute fifteen millions in paper, equal in specie to seven hundred thousand dollars; but, as the payments depended on the good-will of each separate state, very little of this moderate assessment reached the national treasury, and there was no resource but in new emissions of notes and loan certificates.

Private reports from American refugees, seeking the favor of the king of England, persuaded Germain that the cause of the United States would share the wreck of their finances; but he knew not how to conciliate provinces that were weary of war, nor to measure the tenacity of the passive resistance of a determined people, and he systematically sought to subdue them by terror. The refugees, emboldened by the powerlessness of congress and embittered by its advice to the several states to confiscate their property, thronged the antechamber of the minister to fire his vengeful passions by their own. In New York there sprung up a double set of counsellors. Clinton repressed the confidence of the secretary of state by faithful reports of the inadequacy of his army: on the other hand, William Franklin, late governor of New Jersey, aiming at the power and emoluments to be derived from an appointment as the head of a separate organization of loyalists, proposed as no difficult task to reduce and retain one of the middle provinces by hanging or exiling all its rebels, and confiscating their estates for the benefit of the friends to government. Wiser partisans of Great Britain reprobated "the desire of continuing the war for the sake of war," and foretold that, should "the mode of

devastation be adopted, the friends of government must bid adieu to all hopes of ever again living in America."

The British gained numerous recruits from immigrants. Cultivated men of the Roman church gave hearty support to the cause of independence; but the great mass of its members, who were then but about one in seventy-five of the population of the United States and were chiefly new comers in the middle states, followed the influence of the Jesuits, in whose hands the direction of the Catholics of the United States still remained, and who cherished hatred of France for her share in the overthrow of their order. In Philadelphia Howe had been able to form a regiment of Roman Catholics. With still better success, Clinton courted the Irish as Irishmen. They had fled from rack-renting landlords to a country which offered them freeholds. By flattering their nationality and their sense of the importance attached to their numbers, Clinton allured them, alike Catholics and Protestants, to a combination directly adverse to their own interests, and raised for Lord Rawdon a large regiment in which officers and men, including nearly five hundred deserters from the American army, were exclusively Irish.

Yet the British general lagged far behind the requirements of Germain, who counted upon ten thousand provincial levies, and wished "a manner of war better calculated to make the people feel their distresses." The king believed that "the colonies must soon sue to the mother country for pardon." But Clinton, obeying peremptory instructions, before the end of the year most reluctantly detached three thousand men for the conquest of Georgia, and ten regiments for service in the West Indies. His supplies of meat and bread, for which he depended on Europe, were precarious; his military chest was empty; and the inhabitants of New York, mindful of the hour when the city would be given up, were unwilling to lend him their specie. "I do not complain," so he wrote in December to the secretary of state; "but, my lord, do not let anything be expected of one circumstanced as I am."

On the other hand, America, notwithstanding the want of efficient government, set no narrow bounds to its aspirations. Samuel Adams, uttering the popular sentiment, wrote from

Philadelphia: "I hope we shall secure to the United States Canada, Nova Scotia, Florida too, and the fishery, by our arms or by treaty. We shall never be on a solid footing till Great Britain cedes to us, or we wrest from her, what nature designs we should have."

From Boston, d'Estaing, in the name of his king, had summoned the Canadians to throw off British rule; Lafayette, in December, exhorted "his children, the savages of Canada," to look upon the English as their enemies. Thus encouraged, congress, without consulting a single military man, formed a plan for the "emancipation of Canada" in co-operation with an army of France. One American detachment from Pittsburg was to capture Detroit; another from Wyoming, Niagara; a third from the Mohawk river, to seize Oswego; a fourth from New England, by way of the St. Francis, to enter Montreal; a fifth to guard the approaches from Quebec; while to France was assigned the office of reducing Quebec and Halifax. Lafayette would willingly have used his influence at Versailles in favor of the enterprise; but Washington showed how far the part reserved for the United States went beyond their resources.

The spirit of independence grew in strength. In almost all parts of the country the inhabitants were left to plough and plant, to sow and reap, without fear. On the plantations of Virginia the abundant products of labor were heaped up for exportation along the banks of her navigable waters. In all New England, seed-time and harvest had not failed; and the ports of Massachusetts grew opulent by commerce.

For want of a government, this boundless hope of a young and resolute people could have no support in organized forces. The army, of which the head-quarters were at Middlebrook, was encamped for the winter so as to form a line of observation and defence from the Connecticut shore of Long Island Sound to the Delaware. For the convenience of forage, the four regiments of cavalry were distributed among the states from Connecticut to Virginia. The troops were hutted as at Valley Forge; they suffered extreme distress for want of food; but, through importations from France, they were better clad than ever before. Officers in great numbers were quitting the

service from absolute necessity, and those who remained were sinking into poverty; while the men grew impatient under their privations and want of pay.

And yet the British made no progress in recovering their colonies. Incalculable energy lay in reserve in the states and in their citizens individually. Though congress possessed no effective means of strengthening the regular army, there could always be an appeal to the militia, who were the people in arms. The strength of patriotism, however it might seem to slumber, was ready to break forth in every crisis of danger. The people never lost buoyant self-reliance, nor the readiness to make sacrifices for the public good.

Congress brought forward no proposition to clothe the union with powers of coercion, and by choice devolved the chief executive power upon their constituents. To the separate states it was left to enforce the embargo on the export of provisions; to sanction the seizure of grain and flour for the army at established prices; to furnish, and in great part to support, their quotas of troops; and to collect the general revenue, so far as its collection was not voluntary. Each state government was dearer to its inhabitants than the general government; the one was excellent, the other inchoate and incompetent. The former was sanctified by the memories and attachments of generations; the latter had no associations with the past, no traditions, no inherited affection. The states had power which they exercised to raise taxes, to pledge and keep faith, to establish order, to administer justice through able and upright and learned courts, to protect liberty and property and all that is dear in social life; the chief acts of congress were only propositions and promises. The states were everywhere represented by civil officers in their employ; congress had no magistrates, no courts, no executive agents of its own. The tendency of the general government was toward utter helplessness; so that, not from intention, but from the natural course of political development, the spirit and the habit of separatism grew with every year. In July 1776, the United States declared themselves to have called a "people" into being; at the end of 1778, congress knew no "people of the United States" but only "inhabitants." The name of "the

United States" began to give place to that of "the Confederated States," even before the phrase could pretend to historic validity. The attempt to form regiments directly by the United States completely failed; and each state maintained its separate line. There were thirteen distinct sovereignties and thirteen armies, with scarcely a symbol of national unity except in the highest offices.

From the height of his position, Washington was the first keenly to feel and clearly to declare that efficient power must be infused into the general government. To Benjamin Harrison, the president of the house of burgesses of Virginia, he wrote from the camp in December 1778: "The states separately are too much engaged in their local concerns, and have too many of their ablest men withdrawn from the general council for the good of the common weal. Our political system may be compared to the mechanism of a clock, and we should derive a lesson from it; for it answers no good purpose to keep the smaller wheels in order if the greater one, which is the support and prime mover of the whole, is neglected. If the great whole is mismanaged, the states individually must sink in the general wreck; in effecting so great a revolution, the greatest abilities and the most honest men our American world affords ought to be employed." He saw "America on the brink of" destruction; her "common interests, if a remedy were not soon to be applied, mouldering and sinking into irretrievable ruin." "Where," he asked, "are Mason, Wythe, Jefferson, Nicholas, Pendleton, Nelson, and another I could name?" He pleaded for "the momentous concerns of an empire," for "the great business of a nation." "The states, separately," such were his words, "are too much engaged in their local concerns;" and he never ceased his efforts, by conversation and correspondence, to train the statesmen of America, especially of his beloved native commonwealth, to the work of constructing the real union of the states.

CHAPTER XX.

THE KING OF SPAIN BAFFLED BY THE BACKWOODSMEN OF VIRGINIA.

1778–1779.

The Catholic king, whose public debt a large annual deficit was rapidly increasing, recoiled from war, and, above all, from a war which was leading to the irretrievable ruin of the old colonial system.

The management of its foreign dependencies—colonies they could not properly be named, nor could Spain be called their mother country—was to that kingdom an object of never-sleeping suspicion, heightened by a consciousness that the task of governing them was beyond its ability. The total number of their inhabitants greatly exceeded its own. By their very extent, embracing, at least in theory, all the Pacific coast of America, and all the land west of the Mississippi and all Louisiana, it could have no secure feeling of their subordination. The remoteness of the provinces on the Pacific still more weakened its supremacy, which was nowhere confirmed by a common language or affinities of race; by the joint possession of political rights, or inbred loyalty. The connection between rulers and ruled was one of force alone; and the force was feeble and precarious. Distrust marked the policy of the home government, even toward those of its officials who were natives of Spain; still more toward the Creoles, as the offspring of Spaniards in America were called. No attempt had been made to bind the mind of the old races, except through the Roman religion, which was introduced by the sword and maintained by methods of superstition. There was, perhaps, never a time when the war-cry of some one of the

semi-barbarous nations who formed the bulk of the population was not somewhere heard. The restraints on commerce provoked murmurs and frauds.

Moreover, all the world was becoming impatient that so large a portion of the globe should be monopolized by a decrepit dynasty. The Dutch and the British and the French sought opportunities of illicit trade. The British cut down forest-trees, useful in the workshop and the dye-house, and carried them off as unappropriated products of nature.

To these dangers Charles III. had added another by making war to the death on the so called company of Jesus. Of the prelates of Spain, seven archbishops and twenty-eight bishops, two thirds of them all approved the exile of the order from his dominions, and recommended its total dissolution; while only one bishop desired to preserve it without reform. With their concurrence, and the support of France and Portugal, he extorted the assent of the pope to the abolition of the order. On the second of April 1767, at one and the same hour in Spain, in the north and south of Africa, in Asia, in America, in all the islands of the monarchy, the royal decree was opened by officials of the crown, enjoining them immediately to take possession of its houses, to chase its members from their convents, and within twenty-four hours to transport them as prisoners to some appointed harbor. In Spain the Jesuit priests, without regard to their birth, education, or age, were sent on board ships to land where they could. The commands were executed less perfectly in Mexico and California, and still less so along the South Pacific coast and the waters of the La Plata.

But the power of Spain in America had rested in a great measure on the unwearied activity of the Jesuits as missionaries and teachers and organizers of the native population. Their banishment weakened her authority over Spanish emigrants, and confused the minds of the rude progeny of the aborigines. In Paraguay, where Spanish supremacy had rested alone on Jesuits who had held in their hands all the attributes of Cæsar and pope, of state and church, the revolution made a fracture that never could be healed. The independence of the United States threatened a very real danger in

all the boundless vice-royalties of Spain. As they had been won by adventurous leaders, so a priest, an aboriginal chief, a descendant of an Inca, might waken any of them to defy the Spanish rule. Jesuits might find shelter among their neophytes, and reappear as the guides of rebellion. One of their order has written: "When Spain tore evangelical laborers away from the colonies, the breath of independence agitated the New World, and God permitted it to detach itself from the Old." *

The United States did not merely threaten to hold the left bank of the Mississippi; but, as epidemic disease leaps mysteriously over mountains and across oceans, spores of discontent might be unaccountably borne to the many-tongued peoples of South America. Alluring promises of weakening Britain could soothe Florida Blanca no more; and, from the time when the court of France resolved to treat with the Americans, his prophetic fears were never allayed.

Early in the year 1778 Juan de Miralez, a Spanish emissary, appeared in Philadelphia. Not accredited to congress, for Spain would not recognise that body, he looked upon the rising republic as a natural enemy to his country; and through the French minister, with whom he had as yet no authorized connection, he sought to raise up obstacles to its progress. He came as a spy and an intriguer; nevertheless, congress, with unsuspecting confidence, welcomed him as the representative of an intended ally.

Count Montmorin, the French ambassador at Madrid, had in his childhood been a playmate of the king of France, whose friendship he retained. As a man of honor, he desired to deal fairly with the United States, and he watched with impartiality the politics of the Spanish court. On learning from him the separate determination of France to support the United States, Florida Blanca quivered in every limb and could hardly utter a reply. Ever haunted by the spectres of contraband trade, and of territorial encroachments, he was appalled at the example of the Americans as insurgents, and the colossal great-

* Charles III. et les Jésuites de ses états d'Europe et d'Amérique en 1767. Documents inédits, publiés par le p. Auguste Carayon de la compagnie de Jésus, lxxxvi. et lxxxvii.

ness which their independence foretold. With these apprehensions he combined a subtle jealousy of the good faith of the French, who, as a colonial power, were reduced to the lowest rank among the nations of western Europe, and who could recover their share in commerce only through the ruin of colonial monopoly.

When, in April, the French ambassador pressed Florida Blanca to declare at what epoch Spain would engage in the war, the minister, beside himself with passion, exclaimed: "I will take the opinion of the king. Since April of last year France has gone counter to our advice. The king of Spain seems to be looked upon as a viceroy, to whom you put questions as if for his opinion, and then send orders. The American deputies are treated like the Roman consuls, to whom the kings of the East came to beg support. The announcement of your treaty with them is worthy of Don Quixote." The first wish of Spain was to prevent the self-existence of the United States, and, as mediator, to dictate the terms of their accommodation with their mother country; if this was no longer possible, she hoped to be able to concert in advance with England how, in the negotiation for peace, to narrow their domain and erect barriers against their ambition. No sooner had Louis XVI. and his council resolved to brave England than they made it their paramount object to reconcile the Spanish king to their measures. His need of protection, his respect for the elder branch of his family, and some remnants of rancor against England, concurred to bind him to the alliance with France. Moreover, Florida Blanca, who from the drudgery of a provincial attorney had risen to be the chief minister of a world-wide empire, had a passion to be famous in his own time and in history, and was therefore willing to join France in the war, if he could but secure Spain against the United States. Avoiding an immediate choice between peace and war, he demanded the postponement of active hostilities in European waters that he might gain free scope for treating with England. Britain was unprepared. The French were ready for action; yet they consented to wait for Spain.

To ascertain the strength of the fleet at Brest, a British fleet of twenty ships of the line put to sea under Admiral

Keppel, so well known to posterity by the pencil of Reynolds and the words of Burke. On the seventeenth of June, meeting two French frigates near the island of Ouessant, Keppel gave orders that they should bring to. They refused. One of them, being fired into, discharged its broadside and then lowered its flag; the other escaped. The French government, no longer able to remain inactive, authorized the capture of British merchantmen; and early in July its great fleet sailed out of Brest. Keppel put to sea once more. On the twenty-seventh the two admirals, each having thirty men-of-war in three divisions and each professing the determination to fight a decisive battle, met off Ouessant. D'Orvilliers was better fitted for a monastery than for the quarter-deck; and the British admiral wanted ability for so great a command. After an insignificant action, in which neither party lost a ship, the French returned to Brest, the British to Portsmouth. The French army encamped in Normandy under the Count de Broglie, as if to invade England, and wasted the season in cabals. In India, Chandernagor on the Hoogley surrendered to the English without a blow; the governor of Pondicherry, with a feeble garrison and weak defences, maintained a siege of seventy days in the vain hope of relief. The flag of the Bourbons disappeared from the gulf and sea of Bengal, and from the coast of Malabar.

Florida Blanca proposed to the British minister at Madrid to obtain a cessation of hostilities in order to establish and perpetuate an equilibrium on the continent of America. This was an offer to secure to England the basin of the St. Lawrence, with the territory north-west of the Ohio, and to bound the United States by the Alleghanies. Lord Weymouth answered "that, while France supported the colonies in rebellion, no negotiation could be entered into;" but, as both Great Britain and Spain were interested in preserving colonial dependency, he invited Spain to an alliance.

Spain was unprepared for war; her ships were poorly armed; her arsenals ill supplied; and few of her naval officers were skilful: yet Florida Blanca threw out hints to France that he would in October be ready for action, if she would undertake a descent into England. To the British proposal of

an alliance he returned a more formal offer of mediation between the two belligerents, with the avowal that the king of Spain would be forced to choose his part if the war should be continued.

Weymouth, in October, warning Spain of the fatal consequence to the Spanish monarchy of the independence of the United States, put the proposal aside. Yet Florida Blanca continued to fill the courts of Europe with the declaration that Spain would never precede England in recognising the separate existence of her colonies.

In this state of the relations between the three great powers, congress, tired of the dissensions of rival commissioners, on the fourteenth of September, with the cordial approval of John Adams, abolished the joint commission and appointed Franklin their minister plenipotentiary at the court of France. In him the interests of the United States obtained a serene and wakeful guardian, who penetrated the wiles of the Spanish government, and knew how to unite fidelity to the French alliance with timely vindication of the rights of America.

"I observe with pain," so reported Count Montmorin in October, and so he was obliged continually to report of the younger branch of the house of Bourbon, "that this government singularly fears the prosperity and progress of the Americans; and will be much inclined to stipulate for such a form of independence as may leave divisions between England and her colonies." To this end Florida Blanca wished England to retain Canada and Nova Scotia, that they might prove a perennial source of quarrels between the British and the Americans. "On our side," wrote Vergennes simultaneously, "there will be no difficulty in guaranteeing to England Canada and all other American possessions which may remain to her at the peace. The king has recognised the thirteen provinces as free and independent states; for them we ask independence, but without comprehending other English possessions. We are very far from desiring that the nascent republic should remain the exclusive mistress of all that immense continent."

The French minister at Philadelphia zealously urged members of congress to renounce every ambition for an increase of

territory. Gouverneur Morris assented to the necessity of a law for setting a limit to American dominion. "Our empire," said Jay, then president of congress, "is already too great to be well governed; and its constitution is inconsistent with the passion for conquest;" and as he smoked his pipe at the house of Gerard he warmly commended the triple alliance of France, the United States, and Spain.

From the study of their forms of government, Vergennes represented to Spain that "there was no ground for seeing in this new people a race of conquerors. Their republic," he said, "unless they amend its defects, which from the diversity and even antagonism of their interests appears to me very difficult, will never be anything more than a feeble body, capable of little activity." To allay the fears of Florida Blanca, Vergennes, in October, without demanding the like confidence from Spain, enumerated as the only conditions which France would exact for herself at the peace: the treaty of Utrecht wholly continued or wholly abrogated; freedom to restore the harbor of Dunquerque; the coast of Newfoundland from Cape Bonavista to Cape St. John, with the exclusive fishery from Cape Bonavista to Point Riche.

From this time Florida Blanca was in earnest in wishing Spain to take part in the war. But his demands, in comparison with the moderation of France, were so extravagant that he was ashamed himself to give them utterance; and in November, saying that the king of Spain could not be induced to engage in the war except for great objects, he requested Vergennes to suggest to him the advantages which France would bind itself to secure to Spain before listening to propositions for peace. To Montmorin he verbally explained his demands in both hemispheres. As to Europe, he said: "Without Gibraltar, I will never consent to a peace." "How are you to gain the place?" asked Montmorin; and he replied: "By siege it is impossible; Gibraltar must be taken in Ireland or in England." Montmorin rejoined: "The English must be reduced very low before they can cede Gibraltar, unless the Spaniards first get possession of it." "If our operations succeed," answered Florida Blanca, "England will be compelled to subscribe to the law that we shall dictate." At the same

time he frankly avowed that France must undertake the invasion of Great Britain alone; even the junction of the fleets to protect the landing must be of short duration.

Early in February 1779, Lafayette, after a short winter passage from Boston to Brest, rejoined his family and friends. His departure for America in the preceding year, against the command of his king, was atoned for by a week's exile to Paris, and confinement to the house of his father-in-law. The king then received him at Versailles with a gentle reprimand; the queen addressed him with eager curiosity: "Tell us good news of our dear republicans, of our beloved Americans." His fame, his popularity, the influence of his rank, were all employed in behalf of the United States. Accustomed to see great interests sustained by small means, he grudged the prodigality which expended on a single festival at court as much as would have equipped the American army. "To clothe it," said Maurepas, "he would be glad to strip Versailles." He found a ministry neglecting the main question of American independence, and half unconscious of being at war. Public opinion in France had veered about, and everybody clamored for peace, which was to be hastened by the active alliance with Spain.

All the while the Spanish government, in its intercourse with England, sedulously continued its offers of mediation. Lest its ambassador at London should betray the secret, he was kept in the dark. Lord Grantham, the British ambassador at Madrid, was completely hoodwinked; and wrote home in January 1779: "I really believe this court is sincere in wishing to bring about a pacification." At the end of March the king of England still confided in the neutrality of Spain. Acting from her own interests alone, Spain evaded the question of American independence, and offered England her mediation on the basis of a truce of twenty-five or thirty years, to be granted by the king of England with the concurrence of Spain and France. This offer called forth the most earnest expostulations of Vergennes, till Lord Weymouth put it aside; for he held that, if independence was to be conceded to the new states, it must be conceded "directly to congress, that it might be made the basis of all the advantages to Great Britain which so desirable

an object might seem to be worth." England, in establishing its relations with America, whether as dependencies or as states, reserved to itself complete freedom.

Meantime, Vergennes, on the twelfth of February, forwarded the draft of a convention which yielded to Spain all that she required, except that its fourth article maintained the independence of the United States. "In respect to this," he wrote, "our engagements are precise, and it is not possible for us to retract them. Spain must share them, if she makes common cause with us." Yet the article was persistently cavilled at, as in itself useless, and misplaced in a treaty of France with Spain; and Florida Blanca remarked with ill-humor how precisely the treaty stipulated "that arms should not be laid down" till American independence should be obtained, while it offered only a vague promise "of every effort" to procure the objects in which Spain was interested. "Efface the difference," answered Montmorin, "and employ the same expressions for both stipulations." The Spanish minister caught at the unwary offer, and in this way it was agreed that peace should not be made without the restoration of Gibraltar. Fired by the prospect which now opened before him, the king of Spain pictured to himself the armies of France breaking in upon the English at their firesides; and Florida Blanca said to Montmorin: "The news of the rupture must become first known to the world by a landing in England. With union, secrecy, and firmness, we shall be able to put our enemies under our feet; but no decisive blow can be struck at the English except in England itself."

All this time the Spanish minister avoided fixing the epoch for joint active measures. "The delay," said Vergennes, "can be attributed only to that spirit of a pettifogger which formed the essence of his first profession. I cry out less at his repugnance to guarantee American independence; to suitable concessions from the Americans we assuredly make no opposition."

Discussing with Montmorin the article relating to the Americans, Florida Blanca said: "The king, my master, will never acknowledge their independence, until the English themselves shall be forced to recognise it by the peace. He fears the example which he should otherwise give to his own pos-

sessions." "As well acknowledge their independence as accord them assistance," began Montmorin; but the minister cut him short, saying: "Nothing will come of your insisting on this article."

Now that no more was to be gained, Florida Blanca made a draft of a convention, and suddenly presented it to Montmorin. A few verbal corrections were agreed upon, and on the evening of the twelfth of April the treaty was signed.

By its terms, France bound herself to undertake the invasion of Great Britain or Ireland; if she could drive the British from Newfoundland, its fisheries were to be shared only with Spain. For trifling benefits to be acquired for herself, she promised to use every effort to recover for Spain Minorca, Pensacola and Mobile, the bay of Honduras and the coast of Campeachy; and the two courts bound themselves not to grant peace, nor truce, nor suspension of hostilities, until Gibraltar should be restored.

This convention of France with Spain modified the treaty between France and America. The Americans were not bound to continue the war till Gibraltar should be taken; still less, till Spain should have carried out a policy hostile to their interests. They gained the right to make peace whenever Great Britain would recognise their independence.

The Mississippi river is the guardian and the pledge of the union of the states of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them, and the thread of connection between states that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alleghanies and the farthest ranges of the Rocky Mountains. The ridges of the eastern chain bow their heads at the North and at the South; so that, long before science became the companion of man, nature herself pointed out to the barbarous races that short portages join his tributary rivers to those of the Atlantic coast. At the other side, his mightiest arm interlocks with arms of the Oregon and the Colorado, and marshals highways to the Pacific. As from the remotest springs he bears many waters to the bosom of the ocean, the myriads of flags

that wave above them are the ensigns of one people. States larger than kingdoms flourish where he passes; and, beneath his step, cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and fertile, is the chosen muster-ground of the most various elements of human culture brought together by men, summoned from all the civilized nations of the earth and joined in the bonds of common citizenship by the attraction of republican freedom. Now that science has come to be the household friend of trade and commerce and travel, and that nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled; and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron.

From the great destiny foretold by the possession of that river and the lands which it drains, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have shut out the United States even on its eastern side.

While the absolute monarch of the Spanish dominions and his minister thought to exclude the republic from the valley of the Mississippi, a power emerged from its forests to bring their puny policy to nought. An enterprise is now to be recorded which, for the valor of the actors, their fidelity to one another, the seeming feebleness of their means, and the great result of their hardihood, remains forever memorable in the history of the world. On the sixth of June 1776, the emigrants to the region west of the Louisa river, at a general meeting in Harrodston, elected George Rogers Clark, then midway in his twenty-fourth year, and one other, to represent them in the assembly of Virginia, with a request that their settlements might be constituted a county. Before they could cross the mountains, the legislature of Virginia had declared independence, established a government, and adjourned. In a later session they were not admitted to seats in the house; but on the sixth of December 1776 the westernmost part of the state was incorporated by the name of "the county of Kentucky."

As Clark on his return descended the Ohio, he brooded over the conquest of the land to the north of the river. In the summer of 1777 he sent two young hunters to reconnoitre the French villages in Illinois and on the Wabash.

In the latter part of 1777 Clark took leave of the woodsmen of Kentucky and departed for the East. To a few at Williamsburg, of whom no one showed more persistent zeal than George Mason and Thomas Jefferson, he proposed a secret expedition to the Illinois. Patrick Henry, the governor, made the plan his own; and, at his instance, the house of delegates, by a vote of which "few knew the intent," empowered him to aid "any expedition against their western enemies." On the second of January 1778, Clark received from the governor and council a supply of money, liberty to levy troops in any county of Virginia, and written and verbal instructions, clothing him with large discretionary authority to attack the British dominion on the Illinois and the Wabash. Hastening to the frontier, he established recruiting parties from the head of the Ohio to the Holston. At Redstone-old-fort, with the cordial aid of Hand, its commander, he collected boats, light artillery, and ammunition. It was probably there that he met with Captain William Harrod and his company.* There, too, he was overtaken by Captain Leonard Helm of Fauquier, and by Captain Joseph Bowman of Frederic, each with less than half a company. These and the adventurers of his own enlistment, together only one hundred and fifty men, but all of a hardy race, self-relying, and trusting in one another, he was now to lead near a thousand miles from their former homes against a people who exceeded them in number and were aided by merciless tribes of savage allies. At Fort Kanawha, in May, they were reinforced by Captain O'Hara and his company. On the day of an eclipse of the sun they glided over the falls of the Ohio, below which they were "joined by a few Kentuckians" under John Montgomery. On the twenty-sixth of June, Clark and his companions, Virginians in the service of Virginia, set off from the falls, and, with oars double-manned, proceeded night and day on their ever-memorable enterprise.

From Detroit, Hamilton, the lieutenant-governor, sent

* MS. memorandum of L. C. Draper.

abroad along the American frontier parties of savages, whose reckless cruelty won his applause; and he schemed attempts against the "rebel forts on the Ohio," relying on the red men of the prairies and the white men of Vincennes. The reports sent to Germain made him believe that the inhabitants of that settlement, though "a poor people who thought themselves cast off from his majesty's protection, were firm in their allegiance to defend it against all enemies," and that hundreds in Pittsburg remained at heart attached to the crown.

On the invasion of Canada in 1775, Carleton, to strengthen the posts of Detroit and Niagara, had withdrawn the small British garrison from Kaskaskia, and the government was left in the hands of Rocheblave, a Frenchman, who had neither troops nor money. "I wish," he wrote in February 1778, "the nation might come to know one of its best possessions, and consent to give it some encouragement; and he entreated Germain that a lieutenant-governor might be despatched with a company of soldiers to reside in Illinois.

Apprised of the condition of Kaskaskia by a band of hunters, Clark ran his boats into a creek a mile above Fort Massac, reposed there but for a night, and struck across the hills to the great prairie. On the treeless plain his party, "in all about one hundred and eighty," could be seen for miles around by nations of Indians, able to fall on them with three times their number; yet they were in the highest spirits; and "he felt as never again in his life a flow of rage," an intensity of will, a zeal for action. Approaching Kaskaskia on the fourth of July 1778, in the darkness of evening he surprised the town, and without bloodshed seized Rocheblave, the commandant. The inhabitants gladly bound themselves to fealty to the United States. A detachment under Bowman was despatched to Kahokia, and received its submission. The people, of French origin and few in number, were averse to the dominion of the English; and this disaffection was confirmed by the American alliance with the land of their ancestors.

In a long conference, Gibault, a Catholic priest, dissuaded Clark from moving against Vincennes. His own offer of mediation being accepted, he, with a small party, repaired to the post; and its people, having listened to his explanation

of the state of affairs, went into the church and took the oath of allegiance to the United States. The transition from the condition of subjects of a king to that of integral members of a free state made them new men. Planning the acquisition of the whole north-west, they sent to the Indians on the Wabash five belts: a white one for the French; a red one for the Spaniards; a blue one for America; and for the Indian tribes a green one as an offer of peace, and one of the color of blood if they preferred war, with this message: "The king of France is come to life. We desire you to leave a very wide path for us to pass through your country to Detroit, for we are many in number and we might chance to hurt some of your young people with our swords."

To dispossess the Americans of the Illinois country and Vincennes, on the seventh of October Lieutenant-Governor Hamilton left Detroit, with regulars and volunteers, and three hundred and fifty warriors picked by their chiefs out of thirteen different nations. On the seventeenth of December he took possession of Fort Vincennes without opposition; and the inhabitants of the town returned to their subjection to the British king. After this exploit he contented himself for the winter with sending out parties; but he announced to the Spanish governor his purpose early in the spring to recover Illinois; and, confident of receiving reinforcements, he threatened that, if the Spanish officers should afford an asylum to rebels in arms against their lawful sovereign, he would invade their territory and seize the fugitives.

Hamilton was methodical in his use of Indians. He gave standing rewards for scalps, but offered none for prisoners. His continuous parties, of Indian and white volunteers, spared neither men nor women nor children. In the coming year he promised that as early as possible all the different nations, from the Chickasas and Cherokees to the Hurons and Five Nations, should join in the expeditions against Virginia; while the lake Indians from Mackinaw, in conjunction with white men, agreed to destroy the few rebels in Illinois. He sent out detachments to watch Kaskaskia and the falls of the Ohio, and to intercept any boats that might venture up that river with supplies for the rebels. He never doubted his ability to reduce all Virginia west of the mountains.

In 1779, danger hovered from every quarter over Clark and his party in Illinois. He had not received a single line from the governor of Virginia for near twelve months; his force was too small to stand a siege; his position too remote for assistance. By his orders, Bowman of Kentucky joined him, after evacuating the fort at Kahokia, and preparations were made for the defence of Kaskaskia. Just then Francis Vigo, by birth an Italian of Piedmont, a trader of St. Louis, arrived from Vincennes and gave information that Hamilton had weakened himself by sending out hordes of Indians; that he had not more than eighty soldiers in garrison, nor more than three pieces of cannon and some swivels mounted; but that he intended to collect in spring a sufficient number of men to clear the west of the Americans before the fall.

With a courage as desperate as his situation, Clark resolved to attack Hamilton before he could call in his Indians. On the fourth of February he despatched a small galley, mounting two four-pounders and four swivels, and carrying a company of men and military stores under Captain John Rogers, with orders to ascend the Wabash, take a station a few miles below Vincennes, suffer nothing to pass, and await further instructions. Of the young men of Illinois, thirty volunteered to be the companions of Clark; the rest he imbodied to garrison Kaskaskia and guard the different towns. On the seventh of February he began his march across the country with one hundred and thirty men. The inclemency of the season, high water, and "the drowned lands" of the Wabash river, which they were forced to pass through, threatened them with ruin.

At this time Hamilton was planning murderous expeditions. He wrote: "Next year there will be the greatest number of savages on the frontier that has ever been known, as the Six Nations have sent belts around to encourage their allies, who have made a general alliance."

On the twenty-third, just at evening, Clark and his companions reached dry land, and, making no delay, with a white flag flying, they entered Vincennes at the lower end of the village. The town surrendered without resistance, and assisted in the siege of the fort, which was immediately invested. The

moon was new, and in the darkness Clark threw up an intrenchment within rifle-shot of the fort. Under this protection the riflemen silenced two pieces of cannon, and, before the close of the twenty-fourth, Hamilton and his garrison surrendered as prisoners of war.

A large supply of goods for the British force was on its way from Detroit. Sixty men, despatched by Clark in boats well mounted with swivels, surprised the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners. The joy of the men of the North-west was completed by the return of their messenger from Virginia, bringing from the house of assembly its votes of October and November 1778 establishing the county of Illinois, and "thanking Colonel Clark and the brave officers and men under his command for their extraordinary resolution and perseverance, and for the important services which they had thereby rendered their country."

Since the time of that vote they had undertaken a far more hazardous enterprise, and had obtained permanent "possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British dominion, and established civil government" in its republican form.

The conspiracy of the Indians embraced those of the South. Early in the year 1779, Cherokees and warriors from every hostile tribe south of the Ohio, to the number of a thousand, assembled at Chickamauga. To restrain their ravages, which had extended from Georgia to Pennsylvania, the governments of North Carolina and Virginia appointed Evan Shelby to command about a thousand men, called into service chiefly from the settlers beyond the mountains. To these were added a regiment of twelve-months men that had been enlisted for the reinforcement of Clark in Illinois. Their supplies and means of transportation were due to the unwearied and unselfish exertions of Isaac Shelby. In the middle of April, embarking in pirogues and canoes at the mouth of Big Creek, they descended the river so rapidly as to surprise the savages, who fled to the hills and forests. They were pursued, and some of their warriors fell; their towns were burnt, their fields laid waste, and their cattle driven away.

For the rest of the year 1779 the western settlements enjoyed peace; and the continuous flow of emigration through the mountains to Kentucky and the country on the Holston so strengthened them, that they were never again in danger of being broken up by any alliance of the savages with the British. The prowess of the people west of the Alleghanies, where negro slavery had not yet been introduced and every man was in the full possession of a wild but self-restrained liberty, fitted them for self-defence. In this year James Robertson, with a band of hunters, took possession of the surpassingly fertile country on the Cumberland river.

The regiment designed for the support of Clark had been diverted, and thus the British gained time to reinforce and fortify Detroit. But Jefferson, then governor of Virginia, gave instructions to occupy a station on the Mississippi, between the mouth of the Ohio and the parallel of thirty-six degrees, thirty minutes; and, in the spring of 1780, Clark, choosing a strong and commanding situation five miles below the mouth of the Ohio, established Fort Jefferson as the watch on the father of rivers.

In the summer of 1778, news was received of the conquest of the British settlements on the lower Mississippi. James Willing of Philadelphia, a captain in the service of the United States, left that city with about twenty-seven men, who grew to be more than a hundred at Fort Pitt and on the rivers. On the evening of the nineteenth of February 1778, they arrived at the Natchez landing, and early the next morning sent out several parties, who almost at the same moment made the inhabitants prisoners of war on parole, hoisted the colors of the United States, and in their name took possession of the country. The British agents, who had taken part in stimulating the south-western savages to prowl on the American frontiers, escaped in terror and in haste.

The friendly planters, left unprotected and fearing the confiscation of their property, proposed terms of accommodation, which Willing readily accepted. On the twenty-first, they formally promised on their part in no way to give assistance to the enemies of America, and in return received the assurance of protection during their neutrality. From this agreement

were excepted all public officers of the crown of Great Britain. The property of British officers and non-residents was confiscated, and all the eastern side of the river was cleared of loyalists.

From Pittsburg and Kaskaskia to the Spanish boundary of Florida the United States in 1779 were alone in possession of the Ohio and the left bank of the Mississippi. Could Charles III. of Spain stop the onward wave of the backwoodsmen? The legislature of Virginia put on record that "Colonel George Rogers Clark planned and executed the reduction of the British posts between the Ohio and Mississippi," and it granted "two hundred acres of land to every soldier in his corps." "The expedition," wrote Jefferson, "will have an important bearing ultimately in establishing our north-western boundary."

CHAPTER XXI.

THE TREATY BETWEEN FRANCE AND SPAIN. REFORMS IN VIRGINIA. PROGRESS OF THE WAR.

1779.

The alliance with France gave to the United States a respite from active war; but the forced acceptance of irredeemable paper money as legal tender necessarily wrecked public credit and impaired private contracts and debts. The British officials had circulated counterfeits so widely that congress, in January 1779, was compelled to recall two separate emissions, each of five millions. The want of a central power paralyzed every effort at an organization of the strength of the collective states. Washington remained more than a month at Philadelphia in consultation with congress. Fort Niagara and Detroit, as well as New York city, were in the possession of Britain; yet all agreed that the country must confine itself to a defensive campaign.

Even a defensive campaign was attended with difficulties. To leave the officers, by the depreciation of the currency, even without means to provide themselves with decent clothes and subsistence, augured the reduction of the army to a shadow. Few of them were willing to remain on the existing establishment, and congress was averse to promising pensions to them or to their widows. To each of the rank and file who would agree to serve during the war a bounty of two hundred dollars, besides land and clothing, was offered; while those who had in former years enlisted for the war received a gratuity of one hundred dollars. Yet all would have been in vain but for the earnestness of the people.

Congress never had any power; now its authority was exhausted, and it could do nothing but appeal to the states. Tardily in March it voted that the infantry should consist of eighty battalions, of which eleven were assigned to Pennsylvania, as many to Virginia, and fifteen to Massachusetts. No state furnished its whole quota; Massachusetts more nearly than any other. In addition to the congressional bounty, New Jersey paid two hundred and fifty dollars to each of her recruits. Often in Massachusetts, sometimes in Virginia, levies were raised by draft.

Four years of hard service and of reflection had ripened in Washington the conviction of the need of a truly efficient general government. To James Warren, speaker of the house of representatives of Massachusetts, he made appeals for the subordination of every selfish interest to the good of what he called "our common country, America;" "our noble cause, the cause of mankind." To the men of Virginia he addressed himself more freely. To one of them he wrote: "Our affairs are come to a crisis; unanimity, disinterestedness, and perseverance in our national duty are the only means to avoid misfortunes." Before the end of March, in a letter "sent by a private hand," he drew the earnest thoughts of George Mason to the ruin that was coming upon the country from personal selfishness and provincial separatism: "I have seen without despondency, even for a moment, the hours which America has styled her gloomy ones; but I have beheld no day, since the commencement of hostilities, that I have thought her liberties in such eminent danger as at present. Friends and foes seem now to combine to pull down the goodly fabric we have been raising at the expense of so much time, blood, and treasure. Indeed, we seem to be verging so fast to destruction that I am filled with sensations to which I have been a stranger till within these three months. I cannot refrain lamenting in the most poignant terms, the fatal policy, too prevalent in most of the states, of employing their ablest men at home in posts of honor and profit till the great national interest is fixed upon a solid basis." He repeated the illustration which he had already used with Harrison, showing how completely he had thought out the proper relations of the union

to the states by adhering to the words in which he had formulated them: "To me it appears no unjust simile to compare the affairs of this great continent to the mechanism of a clock, each state representing some one or other of its smaller parts which they are endeavoring to put in fine order, without considering how useless and unavailing their labor is unless the great wheel or spring which is to set the whole in motion is also well attended to and kept in good order. As it is a fact, too notorious to be concealed, that congress is rent by party, no man who wishes well to the liberties of his country and desires to see its rights established can avoid crying out, Where are our men of abilities? Why do they not come forth to save their country? Let this voice, my dear sir, call upon you, Jefferson, and others. Do not, from a mistaken opinion, let our hitherto noble struggle end in ignominy. Believe me, when I tell you there is danger of it." *

In May he wrote to another friend: "I never was, and much less reason have I now to be, afraid of the enemy's arms; but I have no scruples in declaring to you that I have never yet seen the time in which our affairs, in my opinion, were at as low an ebb as at the present; and, without a speedy and capital change, we shall not be able to call out the resources of the country."

Count d'Estaing was filled with the idea of a joint expedition of his fleet and the American troops "to give to the king of France Halifax and Newfoundland." † To consult on this subject, Gerard, in the first days of May, accepted an invitation from Washington to visit him in his camp. It was not possible for the United States to furnish a force sufficient to conquer and garrison Newfoundland; but on his return from the camp the minister wrote to Count Vergennes: "I have had many conversations with General Washington, some of which have continued for three hours. It is impossible for me briefly to communicate the fund of intelligence which I

* Washington to George Mason, Middlebrook, 27 March 1779. The text follows the copy I made from the draft which was carefully prepared by Washington with his own hand. The letter is cited in Marshall's Life of Washington, i., 291; and is printed from the papers of George Mason, in the Virginia Historical Register, v., 96. See above, p. 298.

† Gerard to Vergennes, 6 May 1779.

have derived from him, but I shall do it in my letters as occasions shall present themselves. I will now say only that I have formed as high an opinion of the powers of his mind, his moderation, his patriotism, and his virtues, as I had before from common report conceived of his military talents and of the incalculable services he has rendered to his country." *

At this time, while congress was lulling itself into the belief that hostilities were near their end, the special treaty between France and Spain was exposing America to new dangers. For Spain as well as for France the French envoy to the United States conducted with congress a negotiation on the ultimate terms upon which the United States would be ready to make peace, and was specially commanded to mould them into a form acceptable to Spain. So long as France stood alone, Vergennes had been willing that the United States should treat with Great Britain on the basis of a simple recognition of American independence; but after the understanding with Spain he required America "to declare distinctly and roundly that it will listen to no proposition unless it has for its base peace with France as well;" and, on the report of an able committee, among whom were Samuel Adams and Jay, congress, on the fourteenth of January 1779, resolved unanimously "that as neither France nor these United States may of right, so they will not, conclude either truce or peace with the common enemy without the formal consent of their ally first obtained."

This point having been gained, the envoy of France held up to America the desire to include Spain in a triple alliance against Great Britain, and for that end to induce the United States to shape their conditions of peace with Great Britain in accordance with the wishes of the French and Spanish monarchs. The conditions on which it was difficult to agree related to boundaries and to the fisheries. For Massachusetts the fisheries had been the great and peculiar source of wealth in return for small outlays of capital, and to put this industry at hazard seemed to that state like perilling its prosperity.

With regard to the fisheries no uniform rule had as yet been so settled by public law as to control treaties. By the

* Gerard to Vergennes, 4 May 1779; Sparks's Washington, vi., 241, note.

treaty of Utrecht, France agreed not to fish within thirty leagues of the coast of Nova Scotia; and by that of Paris, not to fish within fifteen leagues of Cape Breton. New England at the beginning of the war had, as a punitive measure, been debarred by act of parliament from fishing on the banks of Newfoundland. What right of legislation respecting them would remain at the peace to the parliament of England? "The fishery on the high seas," so Vergennes always expounded the law of nations, "is as free as the sea itself, and it is superfluous to discuss the right of the Americans to it. But the coast fisheries belong of right to the proprietary of the coast. Therefore the fisheries on the coasts of Newfoundland, of Nova Scotia, of Canada, belong exclusively to the English; and the Americans have no pretension whatever to share in them." But the Americans had hitherto almost alone engaged in the fisheries on the coast of Nova Scotia and in the Gulf of St. Lawrence. The New England men had planned and had alone furnished land forces for the first reduction of Cape Breton, and had assisted in the acquisition of Nova Scotia and Canada. The men of Massachusetts therefore claimed the fisheries on their coasts as a perpetual joint property. Against this Vergennes argued that the conquest had been made for the crown of Great Britain; and that the New England men, by chosing to be no longer the subjects of that crown, renounced all right to the coast fisheries.

To persuade congress to propitiate Spain by conceding all her demands, the French envoy sought interviews with its newly appointed committee on foreign affairs, which was composed of one from each state; and insisted with them on the relinquishment of the coast fisheries, and of the left bank and the navigation of the Mississippi. It was answered that the land as far as the Mississippi was already colonized and held by Americans. He rejoined that personal considerations must give way to the general interests of the republic; that the king of Spain, if he engaged in the war, would have equal rights with the United States to acquire territories of the king of England; that the persistence in asserting a right to establishments on the Ohio and the Illinois, and at Natchez, would exhibit an unjust desire of conquest; that such an acquisition

was foreign to the principles of the American alliance with France, and of the system of union between France and Spain, as well as inconsistent with the interests of the latter power; and he formally declared "that his king would not prolong the war one single day to secure to the United States the possessions which they coveted."

"Besides, the extent of their territory rendered already a good administration difficult; so enormous an increase would cause their immense empire to crumble under its own weight." Gerard terminated his very long conversation by declaring the strongest desire "that the United States might never be more than thirteen."

On the fifteenth of February, Gerard in a private audience represented to congress that the price which Spain put upon her friendship was Pensacola and the exclusive navigation of the Mississippi; if her wishes were not complied with, there was danger that Spain and England might make common cause against America.

Two days after this private interview congress referred the subject of the terms of peace to a special committee of five, composed of Gouverneur Morris of New York, Burke of North Carolina, Witherspoon of New Jersey, Samuel Adams of Massachusetts, and Smith of Virginia.

On the twenty-third the committee reported their opinion that the king of Spain was disposed to enter into an alliance with the United States, and that consequently independence must be finally acknowledged by Great Britain. This being effected, they proposed as their ultimatum that their territory should extend from the Atlantic to the Mississippi, from the Floridas to Canada and Nova Scotia; that the right of fishing and curing fish on the banks and coasts of Newfoundland should belong equally to the United States, France, and Great Britain; and that the navigation of the Mississippi should be free to the United States down to their southern boundary, with the benefit of a free port below in the Spanish dominions.

Congress, in committee of the whole, on the nineteenth of March agreed substantially to the report on boundaries, yet with an option to adopt westward from Lake Ontario the parallel of the forty-fifth degree of latitude. It was readily

agreed by ten states against Pennsylvania, New Hampshire and Connecticut being divided, that the right to navigate the Mississippi need not find a place in the treaty of peace with Great Britain, for, according to the American intention, Great Britain was not to possess any territory on the Mississippi from its source to its mouth.

The right to the fisheries was long under discussion. The first decision was a merely negative vote that the common right of the United States to fish on the coasts, bays, and banks of Nova Scotia, the banks of Newfoundland and Gulf of St. Lawrence, the straits of Labrador and Belle-Isle, should in no case be given up.

By the efforts of Gerry, who was from Marblehead, Richard Henry Lee was able to bring up the subject anew; and, avoiding a collision with the monopoly of France, he proposed that the right of fishing on the coasts and banks of North America should be reserved to the United States as fully as they enjoyed the same when subject to Great Britain. This substitute prevailed by the vote of Pennsylvania and Delaware with the four New England states.

But the state of New York, guided by Jay and Gouverneur Morris, altogether refused to insist in the treaty of peace on a right to the fisheries; and Gouverneur Morris, on the eighth of May, calling to mind "the exhausted situation of the United States, the derangement of their finances, and the defect of their resources," moved that the acknowledgment of independence should be the sole condition of peace. The motion was declared to be out of order by the votes of the four New England states, New Jersey, and Pennsylvania, against the unanimous delegations of New York, Maryland, and North Carolina; while Delaware, Virginia, and South Carolina were equally divided.

The French minister intervened; and, on the twenty-seventh of May, congress went back to its first resolve, "that by no treaty of peace should the common right of fishing be given up."

On the third of June, Gerry again appeared as the champion of the American right to the fisheries on banks or coasts, as exercised during their political connection with Great Brit-

ain. He was in part supported by Sherman; but New Hampshire, Massachusetts, and Rhode Island were left by Connecticut, and, though Pennsylvania came to their aid, the "Gallican party," by a vote of seven states against the four, set aside the main question.

The necessity of appeals to France for aid promoted obsequiousness to its wishes. On the fifteenth of June 1779, congress solicited supplies from its ally to the value of nearly three millions of dollars, to be paid for, with interest, after the peace.

Four days later, Gerry, evading a breach of the rules of congress by a change in form, moved resolutions that the United States have a common right with the English to the fisheries on the banks of Newfoundland, and the other fishing-banks and seas of North America. A most stormy and acrimonious debate ensued.* The friends of France resisted the resolutions as sure to alienate Spain, and contrary to the general longing for peace. Four states read a sketch of their protest on the subject. Congress gave way in part, but by the votes of the four New England states and Pennsylvania against New York, Maryland, Virginia, and North Carolina, with New Jersey, Delaware, and South Carolina divided, they affirmed the common right of the Americans to fish on the Grand Banks; and for this right, to which Vergennes owned their indisputable title, they asked the guarantee of France in the form of an explanatory article of existing treaties.

The persevering French minister sought an interview with president Jay and two other members of congress well disposed to the wishes of France. Finding them inclined to yield to New England, he remarked that disunion from the side of New England was not to be feared, for its people carried their love of independence even to delirium. He added: "There would seem to be a wish to break the connection of France with Spain; but I think I can say that, if the Americans should have the boldness * to force the king of France to choose between the two alliances, his decision will not be in favor of the United States; he will certainly not expose himself to consume the remaining resources of the king-

* In his report to Vergennes, Gerard uses the word "l'audace."

dom for many years, only to secure an increase of fortune to a few ship-masters of New England. I shall greatly regret, on account of the Americans, should Spain enter into the war without a convention with them."

The interview lasted from eight o'clock in the evening till an hour after midnight; but Jay and his friends would not themselves undertake to change the opinion of congress; and the result was a new interview on the twelfth of July between Gerard and members of congress in committee of the whole. Of the committee on foreign affairs, eight accepted the French policy. Jay, with other members, gained over votes from the "Anti-Gallican" side; and, after long debates and many divisions, the proposition to stipulate a right to the fisheries in the treaty of peace was indefinitely postponed by the votes of eight states against New Hampshire, Massachusetts, Rhode Island, and Pennsylvania, Georgia alone being absent.

As to the future boundaries of the United States, Spain passionately desired to recover the Floridas so as to have the whole shore of the Gulf of Mexico. The United States had no traditional wish for their acquisition, and from the military point of view Washington preferred that Spain should possess them rather than Great Britain. Here, therefore, no serious difficulty arose; but Spain dreaded the extension of the United States to the Mississippi. The Quebec act had transferred to Canada the territory west and north-west of the Ohio. Spain indulged the hope that England would insist on its right to that region; but as to the Americans, their backwoodsmen were already settled in the country, and it would have been easier to extirpate the game in its forests than to drive the American settlers from their homes. Spain, with the support of France, wished that the country north-west of the Ohio river should be guaranteed to Great Britain; but such a proposition could never gain a hearing in congress. France, renouncing for herself all pretensions to Canada and Nova Scotia, joined Spain in opposing every wish of the Americans to acquire them. In this congress acquiesced.

The French minister desired to persuade congress to be willing to end the war by a truce, after the precedents of the Swiss cantons and the United Netherlands. Burke of North

Carolina, seconded by Duane of New York, wished no more than that independence should be tacitly acknowledged; but congress required that, previous to any treaty of peace, the independence of the United States should, on the part of Great Britain, be "assured."

Further, Gerard wished America to bring about the accession of Spain to the alliance by trusting implicitly to the magnanimity of the Spanish king; otherwise, he said, "you will prevent his Catholic majesty from joining in our common cause, and from completing the intended triumvirate." Congress escaped from an immediate decision by resolving to send a plenipotentiary of its own to Spain.

The minister to be chosen to negotiate a peace was, by a unanimous vote, directed to require "Great Britain to treat with the United States as sovereign, free, and independent," and the independence was to be confirmed by the treaty. Nova Scotia was desired; but the negotiator might leave the north-eastern boundary "to be adjusted by commissioners after the peace." The guarantee of an equal common right to the fisheries was declared to be of the utmost importance, but was not made an ultimatum, except in the instructions for the treaty of commerce with England. At the same time, the American minister at the court of France was directed to concert with that power a mutual guarantee of their rights in the fisheries as enjoyed before the war.

The plan for a treaty with the king of Spain lingered a month longer. On the seventeenth of September congress offered to guarantee to him the Floridas, if they should fall into his power, "provided always that the United States should enjoy the free navigation of the Mississippi into and from the sea." The great financial distress of the states was to be made known to him, in the hope of a subsidy or a guarantee of a loan to the amount of five millions of dollars.

On the twenty-sixth, congress proceeded to ballot for the minister to negotiate peace, John Adams being nominated by Laurens of South Carolina, while Smith of Virginia proposed Jay who was favored by the French minister. On two ballots no election was made. A compromise reconciled the rivalry; Jay, on the twenty-seventh, was elected envoy to

Spain. The formally civil letter in which Vergennes bade farewell to John Adams on his retiring from Paris was read in congress in proof that he would be most acceptable to the French ministry; and, directly contrary to its wishes, he was chosen to negotiate the treaty of peace as well as an eventual treaty of commerce with Great Britain.

In December 1778, Marie Antoinette, after many years of an unfruitful marriage, gave birth to a daughter. Congress, in June 1779, congratulating the king of France on the event, asked for "the portraits of himself and his royal consort, to be placed in their council chamber." This was not an act of adulation. The Americans took part in the happiness of Louis XVI. An honest impulse of gratitude gave his name to the city which overlooks the falls of the Ohio; and when, in 1781, a son was born to him, Pennsylvania commemorated the event in the name of one of its counties.

The compulsory inactivity of the British army at the north encouraged discontent and intrigues. There rose up in rivalry with Clinton a body styling themselves "the loyal associated refugees," who were impatient to obtain an independent organization under Tryon and William Franklin. They insisted that more alertness would crush the rebellion; they loved to recommend the employment of savages, the confiscation of the property of wealthy rebels, and even their execution or exile.

The Virginians, since the expulsion of Lord Dunmore, free from war within their own borders, were enriching themselves by the unmolested culture of tobacco, which was exported through the Chesapeake; or, when that highway was unsafe, by a short land carriage to Albemarle sound. On the ninth of May two thousand men under General Matthew, with five hundred marines, anchored in Hampton Roads. The next day, after occupying Portsmouth and Norfolk, they burned every house but one in Suffolk county, and seized or ruined all perishable property. Parties from a sloop-of-war and privateers entered the principal waters of the Chesapeake, carried off or wasted stores of tobacco heaped on their banks, and burned the dwellings of the planters. Before the end of the month the predatory expedition, having destroyed more

than a hundred vessels, arrived at New York with seventeen prizes and three thousand hogsheads of tobacco.

The legislature of Virginia, which was in session at Williamsburg during the invasion, retaliated by confiscating the property of British subjects within the commonwealth. An act of a previous session had directed debts due to British subjects to be paid into the loan-office of the state. To meet the public exigencies, a heavy poll-tax was laid on all servants or slaves, as well as a tax payable in cereals, hemp, inspected tobacco, or the like commodities; and the issue of one million pounds in paper money was authorized. Every one who would serve at home or in the continental army during the war was promised a bounty of seven hundred and fifty dollars, an annual supply of clothing, and one hundred acres of land at the end of the war; pensions were promised to disabled soldiers and to the widows of those who should find their death in the service; half-pay for life was voted to the officers. Each division of the militia was required to furnish for the service one able-bodied man out of every twenty-five, to be drafted by fair and impartial lot.

The code in which Jefferson, Wythe, and Pendleton adapted the laws of Virginia to reason, the welfare of the whole people, and the republican form of government, was laid before the legislature. The law of descents abolished the rights of primogeniture, and distributed real as well as personal property equally among brothers and sisters. The punishment of death was forbidden, except for treason and murder. A bill was brought in to organize schools in every county, at the expense of its inhabitants, in proportion to the general tax-rates; but in time of war, and in the scattered state of the inhabitants, it was not possible to introduce a thorough system of universal education.

The preamble to the bill for establishing religious freedom, written by Jefferson, declared "that belief depends not on will, but follows evidence; that God hath created the mind free; that temporal punishment or civil incapacitations only beget hypocrisy and meanness; that the impious endeavor of fallible legislators and rulers to impose their own opinions on others hath established and maintained false religions; that to suffer

the civil magistrate to intrude his powers into the field of opinion destroys all religious liberty; that truth is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them."

It was therefore proposed to be enacted by the general assembly: "No man shall be compelled to frequent or support any religious worship, place, or ministry, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his belief; but all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities. And we do declare that the rights hereby asserted are of the natural rights of mankind."

These words of Jefferson on the freedom of conscience expressed the forming convictions of the people of the United States; the enactment was delayed that the great decree, which made the leap from an established church to the largest liberty of faith and public worship, might be adopted after calm deliberation and with popular approval. Virginia used its right of original and complete legislation to abolish the privileges of primogeniture, cut off entails, forbid the slave-trade, and establish the principle of freedom in religion as the inherent and inalienable possession of spiritual being.

The British expedition to the Chesapeake, after its return to New York, joined a detachment conducted by Clinton himself forty miles up the Hudson to gain possession of Stony Point and Verplanck's Point. The garrison withdrew from their unfinished work at Stony Point. The commander at Verplanck's Point, waiting to be closely invested by water, on the second of June made an inglorious surrender. The two posts commanded King's ferry; the British fortified and garrisoned them, and so left the Americans no line of communication between New York and New Jersey south of the highlands.

A pillaging expedition, sent to punish the patriotism of Connecticut, was intrusted to Tryon. The fleet and transports

arrived off New Haven; and, at two in the morning of the fifth of July, one party landed suddenly on the west of the town, another on the east. Everything was abandoned to plunder: vessels in the harbor, public stores, and the warehouses near the sound, were destroyed by fire. The soldiers, demoralized by license, lost all discipline, and the next morning retired before the Connecticut militia, who left them no time to burn the town. At East Haven, where Tryon commanded, dwelling-houses were fired and cattle wantonly killed; some of the unarmed inhabitants were put to death, others carried away as prisoners; but the British were driven to their ships.

On the afternoon of the seventh the expedition landed near Fairfield. The village, a century and a quarter old, situated near the water, with a lovely country for its background, contained a moral, well-educated, industrious, and affluent people of nearly unmixed English lineage; well-ordered homes; freeholders as heads of families. An Episcopal church stood by the side of the larger meeting-house. The husbandmen who came together were too few to withstand the unforeseen onslaught. The Hessians were let loose to plunder, and every dwelling was given up to be stripped. Before the sun went down the firing of houses began, and was kept up through the night, amid the "cries of distressed women and helpless children." Early the next morning the conflagration was made general. When at the return of night the retreat was sounded, the rear-guard, composed of Germans, set in flames the meeting-house and every private habitation that till then had escaped. At Green Farms a meeting-house and all dwellings and barns were consumed.

On the eleventh the British appeared before Norwalk and burned its houses, barns, and places of public worship. Sir George Collier and Tryon, the British admiral and general, in their address to the inhabitants of Connecticut, said: "The existence of a single habitation on your defenceless coast ought to be a constant reproof to your ingratitude."

New London was selected as the next victim; but Tryon, who had already lost nearly a hundred and fifty men, was recalled to New York by a disaster which had befallen the Brit-

ish. No sooner had they strongly fortified themselves at Stony Point than Washington, after ascertaining the character of their works, formed a plan for taking them by surprise. Wayne, of whom he made choice to lead the enterprise, undertook the perilous office with alacrity, and devised improvements in the method of executing the design.

Stony Point, a hill just below the Highlands, projects into the Hudson, which surrounds three fourths of its base; the fourth side was covered by a marsh, over which there lay but one pathway; where this road joined the river, a sandy beach was left bare at low tide. The fort, which was furnished with heavy ordnance and garrisoned by six hundred men, crowned the hill. Half-way between the river and the fort there was a double row of abattis. Breastworks and strong batteries could rake any column which might advance over the beach and the marsh. From the river, vessels of war commanded the foot of the hill. Conducting twelve hundred chosen men in single file over mountains and through morasses and narrow passes, Wayne halted them at a distance of a mile and a half from the enemy, while with the principal officers he reconnoitred the works. About twenty minutes after twelve on the morning of the sixteenth the assault began, the troops placing their sole dependence on the bayonet. Two advance parties of twenty men each, in one of which seventeen out of the twenty were killed or wounded, removed the abattis and other obstructions. Wayne, leading on a regiment, was wounded in the head, but, supported by his aids, still went forward. The two columns, heedless of musketry and grape-shot, gained the centre of the works nearly at the same moment. On the right, Fleury struck the enemy's standard with his own hand, and was instantly joined by Stewart, who commanded the van of the left. Five hundred and forty-three British officers and privates were made prisoners. The achievement was in its kind the most brilliant of the war.

The diminishing numbers of the troops with Washington not permitting him to hold Stony Point, the cannon and stores were removed and the works razed. The post was soon re occupied, but only for a short time, by a larger British garrison.

The enterprising spirit of Major Henry Lee of Virginia

had been applauded in general orders; his daring proposal to attempt the fort at Paulus Hook, now Jersey City, obtained the approval of Washington. The place was strong, but was carelessly guarded. The party with Lee was undiscovered until, in the morning of the nineteenth of August, before day, they plunged into the canal, then deep from the rising tide. Entering the main work through a fire of musketry from block-houses, they captured the fort before the discharge of a single piece of artillery. After daybreak they withdrew, taking with them one hundred and fifty-nine prisoners.

Incited by the massacres of Wyoming and Cherry valley, congress, on the twenty-fifth of February, had directed Washington to protect the inland frontier and chastise the Seneca Indians. Of the two natural routes to their country, that of the Susquehannah was selected for three thousand men of the best continental troops, who were to rally at Wyoming, while one thousand or more of the men of New York were to move from the Mohawk river.

Before they could be ready, a party of five or six hundred men, led by Van Schaick and Willet, made a swift march of three days into the country of the Onondagas, and, without the loss of a man, destroyed their settlement.

The command of the great expedition, which Gates declined, devolved on Sullivan, to whom Washington in May gave repeatedly the instruction: "Move as light as possible even from the first onset. Reject every article that can be dispensed with; this is an extraordinary case, and requires extraordinary attention." Yet Sullivan made insatiable demands on the government of Pennsylvania, and wasted time in finding fault and writing strange theological essays. Meanwhile, British and Indian partisans near Fort Schuyler surprised and captured twenty-nine mowers. Savages under Macdonell laid waste the west bank of the Susquehannah, till "the Indians," by his own report, "were glutted with plunder, prisoners, and scalps." Thirty miles of a closely settled country were burnt. Brant and his crew consumed with fire all the settlement of Minisink, one fort excepted, and, from a party by whom they were pursued, took more than forty scalps and one prisoner.

The best part of the season was gone when Sullivan, on the

last of July, moved from Wyoming. His arrival at Tioga sent terror to the Indians. Several of their chiefs said to Colonel Bolton in council: "Why does not the great king, our father, assist us? Our villages will be cut off, and we can no longer fight his battles." On the twenty-second of August, the day after Sullivan was joined by New York troops under General James Clinton, he began the march up the Tioga into the heart of the Indian country. On the same day Little David, a Mohawk chief, delivered a message from himself and the Six Nations to Haldimand, then governor of Canada: "Brother! for these three years past the Six Nations have been running a race against fresh enemies, and are almost out of breath. Now we shall see whether you are our loving, strong brother, or whether you deceive us. Brother! we are still strong for the king of England, if you will show us that he is a man of his word, and that he will not abandon his brothers, the Six Nations."

The march into the country of the Senecas on the left extended to Genesee; on the right, detachments reached Cayuga lake. After destroying eighteen villages and their fields of corn, Sullivan returned to New Jersey. A small party from Fort Pitt, under command of Colonel Brodhead, broke up the towns of the Senecas upon the upper branch of the Alleghany. The manifest inability of Great Britain to protect the Six Nations taught them to desire neutrality.

In June the British general Maclean, who commanded in Nova Scotia, established a post of six hundred men at what is now Castine, on Penobscot bay. To dislodge the intruders, the Massachusetts legislature sent nineteen armed ships, sloops, and brigs; two of them continental vessels, the rest privateers or belonging to the state. The flotilla carried more than three hundred guns, and was attended by twenty-four transports, having on board nearly a thousand men. So large an American armament had never put to sea. The towns on the coast spared no sacrifice to insure success. On the twenty-eighth of July the expedition gallantly effected their landing, but were too weak to carry the works of the British by storm, and, while a reinforcement was on the way, Sir George Collier on the fourteenth of August arrived in a sixty-four gun ship, at-

tended by five frigates. Two vessels of war fell into his hands; the rest and all the transports ran up the river, and were burnt by the men of the expedition, who made their escape through the woods. The British were left masters of the country east of the Penobscot.

Yet the result of the campaign at the north promised success to America. Clinton had evacuated Rhode Island, and all New England west of the Penobscot was free from an enemy. In New York the Six Nations had learned that the alliance with the English secured them gifts, but not protection. On the Hudson river the Americans recovered the use of King's ferry, and held all the country above it.

The winter set in early and with unwonted severity. Before the middle of December, and long before the army could build their log huts, the snow lay two feet deep in New Jersey, where the troops were cantoned; so that they saved themselves with difficulty from freezing by keeping up large fires. Continental money was valued at no more than thirty for one, and even at that rate the country people took it unwillingly. There could be no regularity in supplies. Sometimes the army was five or six days together without bread; at other times as many without meat; and once or twice two or three days without either. But such was the efficiency of the magistrates of New Jersey, such the good disposition of its people, that, when requisitions were made by the commander-in-chief on its several counties, they were punctually complied with, and in some counties exceeded. For many of the soldiers the term of service expired with the year; and shorter enlistments, by which several states attempted to fill their quotas, were fatal to compactness and stability. Massachusetts offered a bounty of five hundred dollars to each of those who would enlist for three years or the war, and found few to accept the offer. The Americans wanted men and wanted money, but could not be subdued. An incalculable strength lay in reserve in the energy of the states and of each individual citizen; and neither congress nor people harbored a doubt of their ultimate triumph.

Thomas Pownall, a member of parliament, who, from long civil service in various parts of the United States, knew them

thoroughly well, published in England a memorial about them addressed to the sovereigns of Europe:

"The system of establishing colonies in various climates to create a monopoly of the peculiar product of their labor is at end. The spirit of commerce hath become predominant. A great and powerful empire, founded in nature and growing into an independent organized being, has taken its equal station with the nations upon earth. I see the sun rising in the west. The independence of America is fixed as fate; she is mistress of her own fortune; knows that she is so; and will establish her own system and constitution and change the system of Europe.

"In this New World growth is founded in the civilizing activity of the human race. We see all the inhabitants not only free, but allowing an universal naturalization. In a country like this, where every man has the full and free exertion of his powers, an unabated application and a perpetual struggle sharpen the wits and give constant training to the mind. In this wilderness of woods the settlers try experiments, and the advantages of their discoveries are their own. One sees them laboring after the plough, as though they had not an idea beyond the ground they dwell upon; yet is their mind all the while enlarging its powers, and their spirit rises as their improvements advance. This is no fancy drawing of what may be; it is an exact portrait of what actually exists. Many a real philosopher, a politician, a warrior, emerge out of this wilderness, as the seed rises out of the ground where it hath lain buried for its season.

"In agriculture, in mechanic handicrafts, the New World hath been led to many improvements of implements, tools, and machines, leading experience by the hand to many a new invention. The settlers find fragments of time in which they make most of the articles of personal wear and household use for home consumption. Here no laws frame conditions on which a man is to exercise this or that trade. Here are no oppressing, obstructing, dead-doing laws. The moment that the progress of civilization is ripe for it, manufactures will grow and increase with an astonishing exuberancy.

"The same ingenuity is exerted in ship-building; their

commerce hath been striking deep root. The nature of the coast and of the winds renders marine navigation a perpetually moving intercourse; and the nature of the rivers renders inland navigation but a further process of that communion; all which becomes, as it were, a one vital principle of life, extended through a one organized being, one nation. Will that most enterprising spirit be stopped at Cape Horn, or not pass the Cape of Good Hope? Before long they will be found trading in the South Sea, in the Spice Islands, and in China.

"This fostering happiness in North America doth produce progressive population. They have increased nearly the double in eighteen years. By constant intercommunion, America will every day approach nearer and nearer to Europe. Unless the great potentates of Europe can station cherubim at every avenue with a flaming sword that turns every way, to prevent man's quitting this Old World, multitudes of their people, many of the most useful, enterprising spirits, will emigrate to the new one. Much of the active property will go there also.

"The new empire of America is like a giant ready to run its course. The fostering care with which the rival powers of Europe will nurse it insures its establishment beyond all doubt or danger."

So prophesied Pownall to the English world and to Europe in the first month of 1780. Since the issue of the war is to proceed in a great part from the influence of European powers, it behooves us now to study the manner of their intervention.

CHAPTER XXII.

AMERICA IN EUROPE. THE ARMED NEUTRALITY.

1778–1780.

Frederic of Prussia had raised the hope that he would follow France in recognising the independence of the United States; but the question of the Bavarian succession compelled him, in junction with Saxony, to stand forth as the champion of Germany; and in his late old age, broken as he was in everything but spirit, he stayed the aggressions of Austria on Bavarian territory, and on the liberty and the constitutions of the Germanic body. "At this moment the affairs of England with her colonies disappeared from his eyes." To William Lee, who, in July 1777, had been appointed by congress its commissioner to treat alike with the emperor of Germany and the king of Prussia, and in March 1778 importuned the Prussian minister Schulenburg for leave to reside at Berlin as an American functionary, Frederic minuted this answer: "We are so occupied with Germany that we cannot think of the Americans: we should be heartily glad to recognise them; but at this present moment it could do them no good, and to us might be very detrimental." He could not receive the prizes of the Americans in Embden, because at that harbor he had no means to protect them; their merchants were admitted to his ports on the same terms as the merchants of all other countries.

The British ministry, abandoning the scheme of destroying Prussian influence at Petersburg, sought to propitiate Frederic, as the best means of gaining favor in Russia; and authorized its minister at Berlin to propose an alliance. But Frederic was

unalterably resolved "not to contract relations with a power which, like England in the last war, had once deceived him so unworthily."

With the restoration of peace, Austria and Russia contested the honor of becoming mediators between the Bourbons and England. On the fifteenth of May 1779, Maria Theresa wrote in her own hand to Charles III. of Spain, in the hope to hold him back from war; and she sent a like letter to her son-in-law at Versailles. Kaunitz, her great minister, followed with formal proposals of mediation to France and England. In an autograph letter, the king of Spain put aside the interference of the empress; and on the sixteenth of June his ambassador in London delivered to Lord Weymouth a declaration of war; but neither in that declaration nor in the manifesto which followed was there one word relating to the war in America.

In reply, Burke, Fox, and their friends, joined in pledging the house of commons and the nation to the support of the crown. Fifty thousand troops defended the coasts, and as many more of the militia were enrolled. The oscillation of the funds did not exceed one per cent. But opinion more and more denied to parliament the right of taxing unrepresented colonies, and prepared to accept the necessity of recognising their independence. In the commons, Lord John Cavendish, true to the idea of Chatham, moved for orders to withdraw the British forces employed in America; to the lords, the duke of Richmond proposed a total change of measures in America and Ireland; and they were supported by increasing numbers. The great land-owners were grown sick of attempting to tax America; Lord Mansfield was ready to consent to the cutting of the traces that bound the restless colonies to Britain; Lord North was frequently dropping hints that no advantage was to be gained by continuing the contest.

But on the twenty-first of June the king summoned his ministers to his library; and, seating them all at a table, expressed to them in a speech of an hour and a half "the dictates of his frequent and severe self-examination." Inviting the friends of Grenville to the support of the administration, he declared his unchanging resolution to carry on the war against America, France, and Spain. Before he would hear of any

man's readiness to come into office, he would expect to see it signed under his hand, that he was resolved to keep the empire entire. "If his ministers would act with vigor and firmness, he would support them against wind and tide." Yet, far from obtaining recruits from the friends of Grenville, the administration was about to lose its members of the Bedford connection. The chief minister, incapable of forming a plan for the conduct of the war, repeatedly offered his resignation, not in earnest, but that it might serve him as an excuse for remaining in office without assuming the proper responsibility of his station. Confiding in the ruin of the finances of the rebels and in recruiting successfully within their borders, the king was certain that, but for the intervention of Spain, the provinces would have sued to the mother country for pardon; and "he did not despair that, with the activity of Clinton and the Indians, they would even now submit." But his demands for an unconditional compliance with his American policy left him no choice of ministers but among weak men. So the office made vacant by the death of Lord Suffolk, the representative of the Grenville party, was reserved for Hillsborough. "His American sentiments," said the king, "make him acceptable to me." Yet it would have been hard to find a public man more ignorant or more narrow, more confused in judgment or faltering in action; nor was he allowed to enter on active service till Lord Weymouth had retired.

To unite the house of Bourbon in the war, France had bound herself to the invasion of England. True to her covenant, she moved troops to the coasts of Normandy and Brittany, and engaged more than sixty transport vessels of sixteen thousand tons' burden. The king of Spain would not listen to a whisper of the hazard of the undertaking, for which he was to furnish only the temporary use of twenty ships for the defence of the French in crossing the channel. Florida Blanca insisted on an immediate descent on England without regard to risk. Vergennes, on the other hand, held the landing of a French army in England to be rash until a naval victory over the British should have won the dominion of the sea.

Early in June the French fleet of thirty-one ships of the line, yielding to Spanish importunities, put to sea from Brest;

and yet they were obliged to wait off the coast of Spain for the Spaniards. After a loss of two months in the best season of the year, a junction was effected with more than twenty ships-of-war under the separate command of Count Gaston; and the combined fleet, the largest force that had ever been afloat, sailed for the British channel. King George longed to hear that Sir Charles Hardy, with scarcely more than forty ships of the line, had brought the new armada to battle. "Everything," wrote Marie Antoinette, "depends on the present moment. Our united fleets have a great superiority; they are in the channel; and I cannot think without a shudder that, from one moment to the next, our destiny will be decided."

The united fleet rode unmolested by the British; Sir Charles Hardy either did not or would not see them. On the sixteenth of August they appeared off Plymouth, but did not attack the town. After two idle days, a strong wind drove them to the west. When the gale had abated, the allies rallied, returned up the channel, and the British retreated before them. No harmony existed between the French and Spanish officers. A deadly malady ravaged the French ships and infected the Spanish. The combined fleet never had one chief. The French returned to port and remained there; the Spaniards sailed for Cadiz, execrating their allies. The two powers had not even harmed British merchant vessels on their homeward voyages. The troops that were to have landed in England wasted by disease in Normandy and Brittany. "The doing of nothing at all will have cost us a great deal of money," wrote Marie Antoinette to her mother. There was nothing but the capture of the little island of Grenada for which a Te Deum could be chanted in Paris. "We shall feel it very sensibly if any offer of mediation should be preferred to ours," wrote Maria Theresa to her daughter, who answered: "The nothingness of the campaign removes every idea of peace."

During the attempt at an invasion of England the allied belligerents considered the condition of Ireland. "To form Ireland into an independent government like that of America," wrote Vergennes, "I would not count upon the Catholics. They form the largest and the most oppressed part of the nation; but the principle of their religion attaches them spe-

cially to the monarchical system." An American was sent as the agent of France to form close relations with the principal Presbyterians, especially with the ministers; but confidence was not established between France and the protestant Irish.

The emissary from Spain to the Irish Catholics was a Catholic priest, who was promised a bishopric if he should succeed. He could have no success. After the first shedding of American blood in 1775, one hundred and twenty-one Irish Catholics, professing to speak "for all the Roman Catholic Irish," had made to the British secretary in Ireland "a tender of two millions of men in defence of the government of the king in any part of the world." The Irish association aimed only to extort for Ireland the free trade with other nations which had been granted to Scotland at the union.

As soon as the existence of war between Spain and Great Britain was known at New Orleans, Galvez, the governor of Louisiana, drew together all the troops under his command to drive the British from the Mississippi. Their posts were protected by less than five hundred men; Lieutenant-Colonel Dickson, abandoning Manchac as untenable, sustained a siege of nine days at Baton Rouge, and on the twenty-first of September made an honorable capitulation. The Spaniards planned the recovery of east Florida, Pensacola, and Mobile. They expelled from Honduras the British logwood cutters. In Europe, their first act was the siege of Gibraltar.

More important were the consequences of the imperious manner in which Great Britain, substituting its own will alike for its treaties and the law of nations, violated the rights of neutrals on the high seas.

The immunity of neutral flags is unknown to barbarous powers. The usages of the middle ages condemned as lawful booty the property of an enemy, though under the flag of a friend; but spared the property of a friend, though under the flag of an enemy. Ships, except they belonged to the enemy, were never confiscated. When the Dutch republic took its place among the powers of the earth, crowned with the honors of martyrdom in the fight against superstition, this daughter of the sea, with a carrying trade exceeding that of any other nation, became the champion of the maritime code, which pro-

tected the neutral flag everywhere on the great deep. In the year 1646 these principles were imbodied in a commercial treaty between the republic and France. When Cromwell was protector, when Milton was Latin secretary, the rights of neutrals found their just place in the treaties of England, in 1654 with Portugal, in 1655 with France, in 1656 with Sweden. After the return of the Stuarts, they were recognised, in 1674, in their fullest extent by the commercial convention between England and the Netherlands.

In 1689, after the stadholder of the United Provinces had been elected king of England, his overpowering influence drew the Netherlands into an acquiescence in a declaration that all ships going to or coming from a French port were good prizes; but it was recalled upon the remonstrance of neutral states. The rights of neutral flags were confirmed by France and England in the peace of Utrecht. The benefits of the agreement extended to Denmark, as entitled to all favors granted to other powers. Between 1604 and 1713 the principle had been accepted in nearly twenty treaties. When, in 1745, Prussian ships, laden with wood and corn, were captured on the high seas and condemned in English courts, Frederic, without a treaty, resting only on the law of nations, indemnified his subjects for their losses by retaliations on England. The neutral flag found protection in the commercial treaty negotiated in 1766 by the Rockingham ministry with Russia, whose interests as the producer of hemp required the strictest definition of contraband. Of thirty-seven European treaties made between 1745 and 1780, but two have been found which contain conditions contravening neutral rights.

In 1778 England desired an offensive and defensive alliance with Russia and with the Dutch republic. To the renewed overture, Count Panin, the only Russian statesman much listened to by the empress in the discussion of foreign affairs, replied that Russia never would stipulate advantages to Great Britain in its contest with its colonies, and "never would guarantee its American dominions." After the avowal by France of its treaties with the colonies, Harris, the British minister at Petersburg asked an audience of the empress; his request was refused, and all his complaints of the "court of

Versailles drew from her only civil words and lukewarm expressions of friendship." But when, in the summer of 1778, an American privateer hovered off the North Cape and took seven or more British vessels bound for Archangel, Panin informed Harris ministerially that, so long as the British treated the Americans as rebels, the court of Petersburg would look upon them as a people not yet entitled to recognition.

Long years of peace had enriched the Dutch republic by prosperous manufactures and commerce. It was the leading neutral power; but the honor of its flag was endangered by the defects in its constitution, of which the forms of procedure tended to anarchy. Its stadholder, William V. of the house of Orange, a young and incompetent prince, without self-reliance and without nobleness of nature, was haunted by the belief that his own position could be preserved only by the influence of Great Britain; and from dynastic selfishness followed the counsels of that power. Nor was his sense of honor so nice as to save him from asking and accepting money from the British crown. His chief personal counsellor was his former guardian, Prince Louis of Brunswick. No man could be less influenced by motives of morality or fidelity to the land in whose army he served, and he was always at the beck of the British ambassador at the Hague. Fagel, the secretary, was devoted to England. The grand pensionary, Van Bleiswijck, who had been the selection of Prince Louis, was a weak politician and inclined to England, but never meant to betray his country. Thus all the principal executive officers were attached to Great Britain; Prince Louis and the secretary Fagel as obsequious vassals.

France had a controlling influence in no one of the provinces; but, in the city of Amsterdam, Van Berckel, its pensionary, was her "friend." In January 1778, before her rupture with England, the French ambassador at the Hague was instructed to suggest a convention between the states-general, France, and Spain, for liberty of navigation. As the proposal was put aside by the grand pensionary, Vergennes asked that the Netherlands in the coming contest would announce to the court of London their neutrality, and support it without concessions. "The Dutch," Vergennes observed, "will find in

their own history an apology for the French treaty with America." From the interior condition of the Netherlands, their excessive taxes, their weakness on sea and land, and the precarious condition of their possessions in the two Indies, they sought scrupulously to maintain their neutrality. As England did not disguise her aggressive intentions, the city of Amsterdam and Van Berckel sought to strengthen the Dutch navy, but were thwarted by Prince Louis, Fagel, and the stadholder. The Dutch were brave, provident, and capable of acts of magnanimity; but they were betrayed by their executive.

In April 1778, the American commissioners at Paris—Franklin, Arthur Lee, and John Adams—in a letter to the grand pensionary, Van Bleiswijck, proposed a good understanding and commerce between the two nations, and promised to communicate to the states-general their commercial treaty with France. The Dutch government, through all its organs, met this only overture of the Americans by total neglect. It was neither answered nor put in deliberation. The British secretary of state could find no ground for complaint whatever. Still the merchants of Amsterdam saw in the independence of the United States a virtual repeal of the British navigation acts; and the most pleasing historical recollections of the Dutch people were revived by the rise of the new republic.

In the following July the king of France published a declaration protecting neutral ships, though carrying contraband goods to or from hostile ports, unless the contraband exceeded in value three fourths of the cargo. But the right was reserved to revoke these orders if Great Britain should not within six months grant reciprocity.

The commercial treaty between France and the United States was, about the same time, delivered to the grand pensionary and to the pensionary of Amsterdam. The grand pensionary took no notice of it whatever. Van Berckel, in the name of the regency of Amsterdam, wrote to an American correspondent at the Hague: "With the new republic, clearly raised up by the help of Providence, we desire leagues of amity and commerce which shall last to the end of time." Yet he acknowledged that these wishes were the wishes of a single city, which could not bind even the province to

which it belonged. Not one province, nor one city; not Holland, nor Amsterdam; no, not even one single man, whether in authority or in humble life—appears to have expected, planned, or wished a breach with England; and to the last they rejected the idea of a war with that power as an impossibility. The American commissioners at Paris, being indirectly invited by Van Berckel to renew the offer of a treaty of commerce between the two republics, declined to do so; for, as the grand pensionary had not replied to their letter written some months before, "they apprehended that any further motion of that kind on their part would not at present be agreeable."

Meantime, one Jan de Neufville, an Amsterdam merchant, who wished his house recommended to good American merchants and had promised more about an American loan than he could make good, had come in some way to know William Lee, an alderman of London as well as an American commissioner to Vienna and Berlin, and, with the leave of the burgomasters of Amsterdam, met him at Aix-la-Chapelle and concerted terms for a commercial convention, proper in due time to be entered into between the two republics. The act was a nullity. When Lee communicated to the commissioners at Paris this project of a convention, they reminded him that the authority for treating with their high mightinesses belonged exclusively to themselves. The American congress took no notice of his intermeddling, and in the following June dismissed him from its service. Amsterdam disclaimed "the absurd design of concluding a convention independent of their high mightinesses." "The burgomasters only promised their influence in favor of a treaty of amity between the two powers, when the independence of the United States of America should be recognised by the English."

To get rid of everything of which England could complain, the offer made in April by Franklin, Arthur Lee, and John Adams, to negotiate a treaty of commerce between America and the Netherlands, together with a copy of the commercial treaty between the United States and France, was, near the end of October, communicated to the states-general. They promptly consigned it to rest in the manner which met exactly the "hope" of the British secretary of state.

During the summer of 1778, British cruisers and privateers scoured the seas in quest of booty. Other nations suffered, but none like the Netherlands. To their complaints that the clearest language of treaties was disregarded, the earl of Suffolk answered that the British ambassador at the Hague should have instructions to negotiate with the republic new stipulations for the future; but for the present, treaty or no treaty, England would not suffer materials for ship-building to be taken by the Dutch to any French port; and its cruisers and its admiralty were instructed accordingly. The stadholder brought all his influence to the side of England. On the thirtieth of December 1778, the states-general asserted their right to the commercial freedom guaranteed by the law of nations and by treaties; and yet of their own choice voted to withhold convoys, where the use of them would involve a conflict with Great Britain.

In the same year the flag of Denmark, of Sweden, and of Prussia had been disregarded by British privateers, and the three powers severally demanded of England explanations. Vergennes seized the opportunity to fix the attention of Count Panin. "The empress," so he wrote toward the end of the year to the French minister in Russia, "will give a great proof of her dignity and equity if she will make common cause with Sweden, Denmark, Holland, and the king of Prussia." "She would render to Europe a great service if she would bring the king of England to juster principles on the freedom of navigation of neutral ships. Holland arms its vessels to convoy its merchant fleet; Denmark announces that in the spring it will send out a squadron for the same object; Sweden will be obliged to take the like resolution. So many arrangements can easily give rise to troublesome incidents, and kindle a general maritime war. It would be easy for the empress to secure the prosperity of the commerce of Russia by supporting with energetic representations those of other neutral nations."

The Swedish envoy, in an interview with Panin, invited the Russian court to join that of Stockholm in forming a combined fleet to protect the trade of the North. Denmark, he said, would no doubt subscribe to the plan, and the

commerce of the three countries, now so interrupted, would no longer be molested. The summons was heard willingly by Panin, who, on one of the last days of December, spoke to the British minister very plainly: "Denmark, Sweden, and Holland have respectively solicited the empress to join with them in a representation to you on this subject; and she cannot see with indifference the commerce of the North so much molested by your privateers. The vague and uncertain definition given by you to naval and warlike stores exposes almost all the productions of these parts to be sequestered. It becomes the empress, as a leading power on this side Europe, to expostulate with you and express her desire of some alteration in your regulations, and more circumspection in your mode of proceeding against the ships of neutral states." The British minister defended the British definition of "naval stores." Count Panin answered with a smile: "Accustomed to command at sea, your language on maritime subjects is always too positive." Harris deprecated any formal remonstrance against the British treatment of neutral powers as an appearance of disunion between the two courts. Panin replied: "I am sorry to hear you say what you do, as I have the orders of the empress to prepare a representation."

The plan of Russia for 1779 aimed at no more than an agreement with Denmark and Sweden to exclude privateers from the North Sea near their coasts and from the Baltic. As the Russian trade was for the most part in the hands of the English, this action of Catharine would in practice be little more than a safeguard to English commerce. The cabinet of France feared that the consolidated group of northern states might be drawn into connection with England. At this stage, by the explanations of the king of Prussia, who through the mediation of Russia and France was just emerging from his Austrian war, every doubt was removed from the mind of Vergennes; and his answer to the Russian note drew from Panin the remark to the French minister at Petersburg: "Once more I give you my word that we have no engagement with England whatever."

The oppressed maritime powers continued to lay their complaints before the empress of Russia; so that the study

of neutral rights occupied her mind till she came to consider herself singled out to take the lead in their defence.

When, in the middle of July, Harris presented the Spanish declaration of war against England to Count Panin, he replied ministerially: "Great Britain has by its own haughty conduct brought down all its misfortunes on itself; they are now at their height; you must consent to any concessions to obtain peace; and you can expect neither assistance from your friends nor forbearance from your enemies." In subsequent conversations, Panin ever held the same language.

"Count Panin," wrote Harris, "receives every idea from his Prussian majesty, and adopts it without reflection;" and the indefatigable envoy, giving up all hope of reclaiming him, undertook to circumvent him through the influence of Prince Potemkin, who possessed rare ability and occupied a position of undefined and almost unlimited influence with the army, the Greek church, and the nobility. By descent and character he was a true representative of Russian nationality. Leaving the two chief maritime powers of western Europe, both of whom wished to preserve the Ottoman empire in its integrity, to wear each other out, Potemkin used the moment of the American war to annex the Crimea.

Harris professed to believe that for eighty thousand pounds he could purchase the influence of this extraordinary man; but Potemkin could not be reached. He almost never appeared at court or in company. No foreign minister could see him except by asking specially for an interview; no one of them was ever admitted to his domestic society or his confidence. Those who knew him best agree that he was too proud to take money from a foreign power, and he never deviated from his Russian policy; so that the enormous bribes which were designed to gain him were squandered on his intimates. At the same time he was aware how much he would gain by lulling the British government into acquiescence in his Oriental schemes of aggrandizement.

Without loss of time, Harris proposed to Potemkin that the empress should make a strong declaration at Versailles and Madrid, and second it by arming all her naval force. To this Potemkin objected, that both the Russian ministers who would

be concerned in executing the project would oppose it. Harris next gained leave to plead his cause in person before Catharine herself. On the second of August, the favorite of the time conducted him by a back way into her private room, and immediately retired. The empress discomposed him by asking if he was acting under instructions. He had none; and yet he renewed his request for her armed mediation. She excused herself from plunging her empire into fresh troubles; then discoursed on the American war, and hinted that England could in a moment restore peace by renouncing its colonies. The council of state, to which the question was referred, unanimously refused to change its foreign policy. To the count of Goertz, the new and very able envoy of Frederic at Petersburg, Panin unfolded his innermost thoughts. "The British minister," said he, "as he makes no impression on me by sounding the tocsin, applies to others less well informed; but I answer for my ability to sustain my system. It would be no harm for England to meet with some loss." "The balance of power in Europe," wrote Frederic, "will not be disturbed by England's losing possessions here and there in other parts of the world."

During the same year, 1779, the Netherlands continued to suffer from the conflicting aggressions of France and Great Britain. France sought to influence the states-general by confining its concession of commercial advantages in French ports to the towns which voted for unlimited convoy. In the states of Holland it was carried for all merchant vessels destined to the ports of France by a great majority, Rotterdam and the other chief cities joining Amsterdam, and the nobles being equally divided; but the states-general, in which Zealand was followed by Gelderland, Groningen, and Overyssel, from motives of prudence rejected the resolution. Notwithstanding this moderation, a memorial from the British ambassador announced that Dutch vessels carrying timber to ports of France, as by treaty with England they had the right to do, would be seized, even though escorted by ships-of-war. Indignation within the provinces at the want of patriotism in the prince of Orange menaced his prerogatives as stadholder, and even the union itself.

On one occasion five towns voted in the states of Holland for withholding the quota of their province.

Great Britain, in July 1779, demanded of the states-general the succor stipulated in the treaties of 1678 and the separate article of 1716; but they denied that any case under the treaties had arisen, and insisted that England might not at will disregard one treaty and claim the benefit of others.

While the British were complaining that nine or ten American merchant vessels had entered the port of Amsterdam, a new cause of irritation arose. Near the end of July, Paul Jones, a Scot by birth, in the service of the United States, sailed from l'Orient as commander of a squadron, consisting of the Poor Richard of forty guns, many of them unserviceable; the Alliance of thirty-six guns, both American ships-of-war; the Pallas, a French frigate of thirty-two; and the Vengeance, a French brig of twelve guns. They ranged the western coast of Ireland, turned Scotland, and, cruising off Flamborough Head, descried the British merchant fleet from the Baltic, under the convoy of the Serapis of forty-four guns and the Countess of Scarborough of twenty guns.

An hour after sunset, on the twenty-third of September, the Serapis, having a great superiority in strength, engaged the Poor Richard. Paul Jones, after suffering exceedingly in a contest of an hour and a half within musket-shot, bore down upon his adversary, whose anchor he hooked to his own quarter. The muzzles of their guns touched each other's sides. Jones could use only three nine-pounders beside muskets from the round-tops, but combustible matters were thrown into every part of the Serapis, which was on fire no less than ten or twelve times. There were moments when both ships were on fire. After a two-hours' conflict in the first watch of the night, the Serapis struck its flag. Jones raised his pendant on the captured frigate, and the next day had but time to transfer to it his wounded men and his crew before the Poor Richard went down. The French frigate engaged and captured the Countess of Scarborough. The Alliance, which from a distance had raked the Serapis during the action, not without injuring the Poor Richard, had not a man injured. On the fourth of October the squadron entered the Texel with its prizes.

The British ambassador, of himself and again under instructions, reclaimed the captured British ships and their crews, "who had been taken by the pirate Paul Jones of Scotland, a rebel and a traitor." "They," he insisted, "are to be treated as pirates whose letters of marque have not emanated from a sovereign power." The grand pensionary would not apply the name of pirate to officers bearing the commissions of congress. In spite of the stadholder, the squadron enjoyed the protection of a neutral port. Under an antedated commission from the French king, the flag of France was raised over the two prizes and every ship but the Alliance; and, four days before the end of the year, Paul Jones with his English captures left the Texel.

An American frigate, near the end of September, entered the port of Bergen with two rich prizes. Yielding to the British envoy at Copenhagen, Bernstorff, the Danish minister, seized the occasion to publish an ordinance forbidding the sale of prizes until they should have been condemned in a court of admiralty of the nation of the privateer; and he slipped into the ordinance the declaration that, as the king of Denmark had recognised neither the independence nor the flag of America, its vessels could not be suffered to bring their prizes into Danish harbors. The two which had been brought into Bergen were set free; but, to avoid continual reclamations, two others, which in December were taken to Christiansand, were only forced to leave the harbor.

Wrapt up in the belief that he had "brought the empress to the verge of standing forth as the professed friend of Great Britain," Harris thought he had only to meet her objection of his having acted without instructions; and, at his instance, George III., in November, by an autograph letter, entreated her armed mediation against the house of Bourbon. "I admire," so he addressed her, "the grandeur of your talents, the nobleness of your sentiments, and the extent of your intelligence." "The mere show of naval force could break up the league formed against me, and maintain the balance of power which this league seeks to destroy." A writing from Harris, in which he was lavish of flattery, accompanied the letter; and he offered, unconditionally, an alliance with Great

Britain, including even a guarantee against the Ottoman Porte.

The answer was prepared by Panin without delay. The empress loves peace, and therefore refuses an armed intervention, which could only prolong the war. She holds the time ill chosen for a defensive alliance, since England is engaged in a war not appertaining to possessions in Europe; but, if the court of London will offer terms which can serve as a basis of reconciliation between the belligerent powers, she will eagerly employ her mediation.

In very bad humor, Harris rushed to Potemkin for consolation. "What can have operated so singular a revolution?" demanded he, with eagerness and anxiety. Potemkin, cajoling him, replied: "Count Panin times his councils with address; my influence is at an end."

The Russian envoy at London, and the envoys of Sweden, Denmark, the Netherlands, and Prussia, delivered memorials to the British government. To detach Russia from the other complainants, Harris, in January 1780, gave a written promise "that the navigation of the subjects of the empress should never be interrupted by vessels of Great Britain."

The spirit of moderation prevailed in the councils of the Netherlands. Even the province of Holland had unreservedly withdrawn its obnoxious demands. On the evening before the twenty-seventh of December 1779, seventeen Dutch merchant vessels, laden with hemp, iron, pitch, and tar, left the Texel under the escort of five ships-of-war, commanded by the Count de Bylandt. In the English channel, on the morning of the thirtieth, they descried a British fleet, by which they were surrounded just before sunset. The Dutch admiral refusing to permit his convoy to be visited, Fielding, the British commander, replied that it would then be done by force. During the parley, night came on; and twelve of the seventeen ships, taking advantage of the darkness and a fair wind, escaped through the British lines to French ports. The English shallop, which the next morning at nine would have visited the remaining five ships, was fired upon. At this, the British flag-ship and two others fired on the Dutch flag-ship. The ship was hit, but no one was killed or wounded. "Let us go

down," said the Dutch crews to one another, "rather than fall into a shameful captivity;" but their admiral, considering that the British force was more than three times greater than his own, after returning the broadside, struck his flag. Fielding carried the five merchant ships as prizes into Portsmouth.

This outrage on the Netherlands tended to rouse and unite all parties and all provinces. But another power beside England had disturbed neutral rights. Fearing that supplies might be carried to Gibraltar, Spain had given an order to bring into Cadiz all neutral ships bound with provisions for the Mediterranean, and to sell their cargoes to the highest bidder. In the last part of the year 1779 the order had been applied to the Concordia, a Russian vessel carrying wheat to Barcelona. Harris, who received the news in advance, hurried to Potemkin with a paper, in which he proved from this example what terrible things might be expected from the house of Bourbon if they should acquire maritime superiority. On reading this paragraph, Potemkin cried out: "You have the empress now. She abhors the inquisition, and will never suffer its precepts to be exercised on the high seas." A strong memorial was drawn up under the inspection of the empress herself; and a reference to the just reproaches of the courts of Madrid and Versailles against Great Britain for troubling the liberty of commerce was added by her own express order.

Hardly had the Spanish representative at Petersburg forwarded the memorial by a courier to his government when letters from the Russian consul at Cadiz announced that the St. Nicholas, bearing the Russian flag and bound with corn to Malaga, had been brought into Cadiz, its cargo disposed of by auction, and its crew treated with inhumanity. The empress felt this second aggression as a deliberate outrage on her flag; and, following the impulses of her own mind, she seized the opportunity to adopt, seemingly on the urgency of Great Britain, a general measure for the protection of the commerce of Russia as a neutral power against all the belligerents and on every sea. She preceded the measure by signing an order for arming fifteen ships of the line and five frigates for service early in the spring.

She further signed letters, prepared by her private secre-

tary, to her envoys in Sweden, Denmark, and the Hague, before she informed her minister for foreign affairs of what had been done. A Russian courier was expedited to Stockholm, and thence to Copenhagen, the Hague, Paris, and Madrid. On the twenty-second of February 1780, Potemkin announced the measure to Harris, by the special command of the empress. "The ships," said the prince, "will be supposed to protect the Russian trade against every power, but they are meant to chastise the Spaniards, whose insolence the empress cannot brook." Harris "told him that it was no more than the system of giving protection to trade, suggested last year by the three northern courts, now carried into execution." Potemkin, professing to be "almost out of humor with his backwardness to admit the great advantage England would derive from the step," rejoined: "I am just come from the empress; it is her particular order that I tell it to you. She commanded me to lose no time in finding you out. She said she knew it would give you pleasure; and, beside myself, you are at this moment the only person acquainted with her design." He ended by urging Harris to despatch his messenger immediately with the news; and accordingly the measure was reported to the British government by its own envoy as a friendly act performed at its own request.

Before the dispatches of Harris were on the road, the conduct of the affair was intrusted to Panin, who was suffering from a disease which was bringing him to the grave. The last deed of the dying statesman was his best.

To Frederic, Goertz made his report: "Everything will depend on the reply of the court of Spain; at so important a moment, your majesty has the right to speak to it with frankness." "There will result from the intrigue a matter the execution of which no power has thus far been able to permit itself to think of. All have believed it necessary to establish and to fix a public law for neutral powers in a maritime war; the moment has come for attaining that end."

These letters reached Frederic by express; and on the fourteenth of March, by the swiftest messenger, he instructed his minister at Paris as follows: "Immediately on receiving the present order you will demand a particular audience of

the ministry at Versailles; and you will say that in my opinion everything depends on procuring for Russia, without the least loss of time, the satisfaction she exacts, and which Spain can the less refuse, because it has plainly acted with too much precipitation. Make the ministry feel all the importance of this warning, and the absolute necessity of satisfying Russia without the slightest delay on an article where the honor of her flag is so greatly interested.

Vergennes forwarded a copy of the letter of Frederic to the French ambassador at Madrid, with the instruction: "I should wrong your penetration and the sagacity of the cabinet of Madrid, if I were to take pains to demonstrate the importance for the two crowns to spare nothing in order that the empress of Russia may not depart from the system of neutrality which she has embraced." The letter of Frederic was communicated to Florida Blanca, and it was impossible to resist its advice.

Before a dispatch could have reached even the nearest power, Count Panin laid before the empress a plan for deducing out of the passing negotiation a system of permanent protection to neutral flags in a maritime war. He advised her to present herself to Europe in an impartial attitude, as the defender of the rights of neutrals before all the world. She would thus gain a glorious name as the law-giver of the seas, imparting to commerce in time of war a security such as it had never yet enjoyed; she would gather around her all civilized states, and be venerated by the nations through coming centuries as the benefactress of the human race.*

The opinions of her minister coinciding with her own, on the twenty-sixth of February 1780—that is, on the eighth of March, new style—Catharine and Panin set their names to the declaration, of which the fixed principles are: Neutral ships shall enjoy a free navigation even from port to port, and on the coasts of the belligerent powers. Free ships free all goods except contraband. Contraband are arms and ammunitions of war, and nothing else. No port is blockaded unless the enemy's ships, in adequate number, are near enough to

* Compare Goertz, Denkwürdigkeiten, i., 154; Dohm, Denkwürdigkeiten meiner Zeit, ii., 113.

make the entry dangerous. These principles shall rule decisions on the legality of prizes. "Her imperial majesty," so ran the state paper, "in manifesting these principles before all Europe, is firmly resolved to maintain them. She has therefore given an order to fit out a considerable portion of her naval forces, to act as her honor, her interest, and necessity may require."

Frederic received the news of the declaration in advance of others, and with all speed used his influence in its behalf at Versailles; so that for the maritime code, which came upon Great Britain as a surprise, a welcome was prepared in France and Madrid.

The empress made haste to invite Sweden, Denmark, Portugal, and the Netherlands to unite with her in supporting the rules which she had proclaimed. John Adams applauded the justice, the wisdom, and the humanity of an association of maritime powers against violences at sea, and added as his advice to congress: "The abolition of the whole doctrine of contraband would be for the peace and happiness of mankind; and I doubt not, as human reason advances and men come to be more sensible of the benefits of peace and less enthusiastic for the savage glories of war, all neutral nations will be allowed by universal consent to carry what goods they please in their own ships, provided they are not bound to places actually invested by an enemy."

For the moment the attention of Europe was riveted on the Netherlands.

CHAPTER XXIII.

GREAT BRITAIN MAKES WAR ON THE NETHERLANDS.

1780–1781.

The successor of Lord Weymouth was Lord Stormont, the late British ambassador at Paris. He had an unbounded confidence in the spirit and resources of his country; but this confidence took the worst forms of haughty blindness to moral distinctions in dealing with foreign powers. To complaints by the Dutch of the outrage on their flag, he answered by interpreting treaties contrary to their plain meaning, and then by saying: "We are determined to persist in the line of conduct we have taken, be the consequences what they may."

The British ministry sent the case of the Dutch merchant vessels that had been carried into Portsmouth to the court of admiralty, where Sir James Mariott, the judge, thus laid down the law: "It imports little whether the blockade be made across the narrows at Dover or off the harbor at Brest or L'Orient. If you are taken, you are blocked. Great Britain, by her insular position, blocks naturally all the ports of Spain and France. She has a right to avail herself of this position as a gift of Providence." Swayed by the more weighty members of the republic, the stadholder addressed a representation to the empress of Russia for concert in the defence of neutral flags. Before it was received at Petersburg, Prince Galitzin, the Russian envoy at the Hague, on the third of April 1780, invited the states-general to a union for the protection of neutral trade and navigation. "The same invitation," said the envoy, "has been made to the courts of Copenhagen, Stockholm, and Lisbon, in order that by the joint endeavors of

all neutral maritime powers a natural system, founded on justice, may be established as a rule for future ages." The states-general desired to join in the association; but the stadholder, under English influence, contrived to make delay.

England acted promptly. On the seventeenth an order of the king in council suspended all treaties between the two countries. In consequence of this order, Dutch ships were taken into English ports and condemned by the admiralty, on the assumption that, French harbors being naturally blockaded by those of England, Dutch ships had no right to sail near them.

France yielded to Spain the distinction of being the first to accept the Russian proposal; and Florida Blanca on the eighteenth of April did it so heartily that, in the autobiographic report which he made of his administration to his king, he relates: "The honor of this successful project has been ascribed to Russia, which, in fact, gave it support; but it had its origin in the cabinet of your majesty."

A week later France followed Spain, saying: "The war in which the king is engaged has no other object than the liberty of the seas. The king believed he had prepared an epoch glorious for his reign, in fixing by his example the rights of neutrals. His hopes have not been deceived."

On the fifth of October the United States of America in congress, by a resolution which Robert R. Livingston drafted, proclaimed the maritime code of the empress of Russia, and afterwards included it in their treaties with the Netherlands, with Sweden, and with Prussia.

The king of England and his ministry were of the opinion that to tolerate the armed neutrality was to confess that British supremacy on the high seas was broken; and they established two points, from neither of which they would depart: the one, to attack any Netherlands convoy; the other, to prevent the association of the Netherlands with Russia at all hazards.

Even Lord Shelburne, the chief of the opposition in the upper house, condemned the Russian manifesto as an attempt by a "nation scarcely known as a maritime power thirty years ago to dictate laws of navigation to Great Britain;" and Lord Camden denounced it as a dangerous and arbitrary edict, sub-

versive of the first principle of the law of nations. Yet the British government avoided expressing any opinion on the rules which had been laid down. "An ambiguous and trimming answer was given:" such is the narrative of Harris. "We seemed equally afraid to accept or dismiss the new-fangled doctrines. I was instructed secretly to oppose, but avowedly to acquiesce in them."

The neutral powers on the continent, from Archangel to Constantinople, one after the other, accepted the code of Catharine. Bernstorff, though very reluctant to do anything not agreeable to the English court with which he was then conducting a private negotiation defining contraband, on the eighth of July confirmed the adhesion of Denmark by a treaty with Russia. Gustavus of Sweden set forth to the belligerents that the principles of Russia were his own, and on the twenty-first his kingdom acceded to the treaty between Denmark and Russia, and Denmark to that between Russia and Sweden. The three powers agreed to support each other against every attack by reprisals and other means. Each was to fit out a fleet, and the several commanders were ordered to protect every mercantile ship of the three nations against injury. When in autumn it came to light that Bernstorff in a separate treaty with Great Britain had compromised the rule respecting contraband, the minister was for the time dismissed from office. On the seventh of May 1781, Frederic of Prussia joined the armed neutrality. Five months later, Joseph II. acceded by treaty with the empress of Russia, from whom he gained advantages for the commerce of Belgium. The accession of Portugal took place in July 1782; that of Naples in February of the following year; that of the Ottoman Porte in September 1782 by its treaty with Spain, confirmed in June 1783 by its treaty with Russia.

After the British had suspended every commercial treaty with the Netherlands, Stormont wrote to Yorke: "The best way to bring the Dutch around to their senses is to wound them in their most feeling part, their carrying trade. The success of our cruisers has hitherto fallen much short of expectation." So on the thirtieth of May 1780, in a time of uninterrupted peace, Yorke was instructed to collect the best intel-

ligence on the voyages of the Dutch merchants, that British cruisers might know where to go for the richest prizes.

The condition of the Netherlands was truly difficult to be borne: their honor was trifled with; their commerce pillaged; they were weak and without promise of help from any side; their stadholder did not support them. They anxiously awaited the arrival of each English mail to learn by what new measures the British cabinet would abuse their power, and how many more Dutch ships had been seized. The republic had no part to choose but submission to Great Britain or an association with Russia. The draft of the convention, which the empress had directed to be offered to Sweden, Denmark, and the Netherlands, arrived in June. The grand pensionary and the country wished at once to accede to the confederacy of the North. But the stadholder, who in May, acting in the interests of England, refused to take a step till the conduct of all the other neutral powers should be thoroughly understood, in June would not listen to any treaty with Russia unless it should include a guarantee of the possessions of the republic in both Indies.

The commissioners for the Netherlands found in Panin a statesman who regarded the independence of America as a result very advantageous for all nations, and especially for Russia, and who did not doubt that England would be forced to recognise it. In the course of September he drafted a convention which he held to be the only possible one between Russia and the republic. The draft did not include the wished-for guarantee of the Dutch possessions in America, at the Cape of Good Hope, and in India; but, if the republic should be attacked on account of the convention, the other powers were to take her part. A separate article declared the object of the armed neutrality to be the restoration of peace. At the same time couriers were despatched to the courts of Stockholm and Copenhagen; so that, against the return of a favorable answer from the Hague, all things might be prepared for receiving the Dutch republic into the league of neutral powers.

Every step of this negotiation was watched by England. Yet the ministry, who were all the time seeking an alliance with Russia, disliked the appearance of going to war with the

republic solely on account of her intention of joining the armed neutrality. In October, Henry Laurens, whom the United States had accredited to the Netherlands for the purpose of raising a loan, was taken on his passage to Europe, and among his papers was found the unauthorized project for a treaty, concerted, as we have seen, between Neufville and William Lee. To Lord Stormont the "transaction appeared to be the act of individuals;" and Hillsborough owned "that the states-general had had no knowledge of the treaty, which had never been signed except by private persons." But the resolution was instantly taken to use the Laurens papers so as to "give the properest direction to the war." To produce upon the public mind a strange and startling sensation, Laurens, after an examination at the admiralty before the three secretaries of state, was escorted through the streets of London by a large guard, and confined as a state's prisoner in the Tower, where he was debarred from all intercourse and from the use of pen and paper.

When the courier from Petersburg arrived at the Hague with the treaty which Panin had drafted, Stormont saw there was no time to be lost. On the last day of October, Yorke announced that the states-general, at their meeting in the first week of November, would disavow the transaction between Amsterdam and America, but would decide to join the northern league.

On the third of November this despatch was laid before the king. On that same day the states of Holland, after full deliberation, condemned the conduct of Amsterdam for the acts which Great Britain resented, and resolved to give to the British government every reasonable satisfaction, so as to leave not the slightest ground for just complaint. Even Yorke, who saw everything with the eyes of an Englishman, thought their conduct rather fair. Yet Stormont would brook no delay; and the British cabinet, well aware of the peaceful intentions of the states of Holland and the states-general, with the approval of the king came to a determination to make war upon the republic, unless it should recede from its purpose of joining the northern confederacy. In the very hours in which this decision was taken, Yorke was writing that a war with

the republic would be a war with a government without artillery, "in want of stores of all kinds, without fleet or army, or any one possession in a state of defence." The memorial to the states-general was drafted by Lord Stormont himself, and was designed to conceal the real motives of Great Britain under a cloud of obloquy relating to Amsterdam, and by demands impossible to be complied with. The memorial was not to be presented if the ambassador had certain information that the majority of the provinces would refuse to join the maritime league of the North. "We do not wish," wrote Stormont, "to give a deep wound to our old and natural allies. Our object is to cure their madness by stunning them into their senses."

On the sixth Yorke represented to the stadholder the opportunity of the republic for repentance and amendment. The prince, shrugging his shoulders, answered: "I foresee consequences which may be fatal to my house and the republic." Yorke replied that the stadholder might do a secondary and passive kind of service by starting difficulties and delaying the fresh instructions to the ministers at Petersburg. The stadholder answered: "England cannot impute a wish for war to those who are for concluding a neutral alliance with Russia, nor blame a vote of convoy from which masts and ship-timber are excluded." Yorke urged that the alliance with the North was pushed by men of warlike views. The stadholder answered: "The regents in general have not that view." Yorke turned the conversation to the negotiation with America. The stadholder observed: "I have reason to believe Holland will, as it ought to do, disavow and disapprove that transaction." "And give satisfaction too?" asked Yorke. The prince answered: "I hope they will communicate their disavowal to England." But he did not deny that the plurality of the provinces was in favor of the connection with Russia on the terms which that empire had proposed.

Just after this interview Yorke received from Stormont an inquiry as to where blows could be struck at the republic with the most profit, and on the seventh of November Yorke replied: "This country is by no means prepared for war. It is the fashion still to suppose a war against England impossi-

ble. The executive part of the government has been averse to it all along. As to the Dutch settlements in the East and West Indies, their own avowal proves them in a deplorable state; but St. Eustatius, above all St. Eustatius, is the golden mine of the moment." This letter of Yorke was received by Stormont on the twelfth; and the passage relating to St. Eustatius was secretly sent forthwith to the British admiralty for its guidance.

Already on the tenth Yorke had presented to the states-general Lord Stormont's memorial. "The king insists," so ran its words, "on the exemplary punishment of the pensionary Van Berckel and his accomplices, as disturbers of the public peace and violators of the rights of nations. His majesty flatters himself that the answer of your high mightinesses will be speedy, and to the purpose in every respect. To pass over in silence so just a request will be deemed a denial, and his majesty will think himself obliged to take such steps as become his dignity."

Three days after the delivery of the memorial, Yorke caused it to be printed. It seemed to the patriots singular for the English to demand the punishment of Van Berckel, when they themselves did not even bring Laurens to trial. People in the towns under English influence said: "Van Berckel and his accomplices deserve to be 'De-Witted.'" "If a small mob," wrote Yorke from the Hague, "receive the deputies of Amsterdam when they next come here, the affair will be soon decided. But how promise for work with the tools I have?"

"The die is thrown," wrote Stormont to Yorke on the fourteenth, as he asked him again for the best information respecting all the vulnerable parts of the republic. At that time there still reigned among the Dutch confidence in peace. On the twenty-third the states of Holland, acting on a communication from the stadholder, entirely disavowed and disapproved whatever had been done by the burgomasters and regents of the town of Amsterdam respecting negotiations with congress. The states-general confirmed the disavowal, and declared their wish to preserve a good understanding with England. Every post brought to the court of London con-

current proofs that the cities, the people, every branch of the government, all the ministers, desired to continue at peace. The stadholder, the great partisan of England, thought that the Dutch government had done enough to remove from itself every suspicion.

Yet, on the first of December, Stormont renewed the demand for the immediate punishment of the Amsterdam offenders; and on the fifth he asked of Yorke some ideas for a manifesto, for he was preparing "to send secret orders to seize the Dutch settlements in the West Indies." Then, on the sixteenth, before he even knew that his second memorial had been presented, having been informed that on the afternoon of the eleventh the states-general had resolved to make the declaration required before admission to the armed neutrality, he sent orders to Yorke "as soon as might be to quit Holland without taking leave."

While Yorke was still negotiating at the Hague, British cruisers pounced upon the unsuspecting merchant-men of their ally of a hundred and six years, and captured two hundred ships of the republic, carrying cargoes worth fifteen millions of guilders. Four days at least before he left the Hague a swift cutter was sent to Rodney at Barbados with orders, founded upon the ambassador's letter of the seventh of November, to seize St. Eustatius.

Suddenly, on the third of February 1781, the British West India fleet and army, after a feint on the coasts of Martinique, appeared off the island and demanded of De Graat, the governor, its surrender within an hour. "The surprise and astonishment of the inhabitants was scarcely to be conceived." Unable to offer resistance and ignorant of a rupture between Great Britain and the republic, the governor gave up his post and its dependencies, invoking clemency for the town. The wealth of the island, which was a free port for all nations, astonished even those who had expected most, "the whole of it being one continued store of French, American, Dutch," and also English "property." In the words of Rodney: "All the magazines, the storehouses, are filled, and even the beach covered, with tobacco and sugar." The value of the merchandise, at a moderate estimate, considerably exceeded three millions of pounds

sterling. Besides this, there were taken in the bay upwards of one hundred and fifty merchant vessels, a Dutch frigate and five smaller vessels of war, all complete and ready for service. Thirty richly freighted ships, which had left the island about thirty-six hours before, were overtaken by a detachment from Rodney's fleet, and captured with the ship of sixty guns which was their convoy. The Dutch flag was kept flying on the island, and decoyed no less than seventeen vessels into the port after its capture. Three large ships from Amsterdam, laden with all kinds of naval stores, were taken and carried into St. Christopher. At St. Eustatius, in the order of sale, English stores were, for form's sake, excepted; but all property was seized, and the confiscation was general, without discrimination between friend and foe, between neutral powers and belligerents, between Dutch and British. A remonstrance from British merchants, written by the king's solicitor-general in St. Christopher, Rodney scorned to read, and answered: "The island of St. Eustatius is Dutch; everything in it is Dutch; everything is under the protection of the Dutch flag, and as Dutch it shall be treated."

Besides St. Eustatius, all the settlements of the republic in South America were taken during the season. Of the Dutch possessions in Africa and Asia, the undefended Cape of Good Hope, as the half-way house on the voyage to India; the feebly garrisoned Negapatam; and the unique harbor of Trincomalee on Ceylon—were held to be most desirable objects for Great Britain.

The Dutch republic was relatively weak; yet, if her finances were impaired, it was by debts contracted during her alliance with England and in rendering service to that power. The administration of Lord North lost its remaining influence on the continent of Europe by this cruel and unjust war. With no nation had it any connection on the score of principle; to not one was it drawn by regard for the higher interests of humanity.

CHAPTER XXIV

THE WAR IN THE SOUTH. CLINTON AND LINCOLN.

1778–1780.

To trace events intelligibly in their connection, the war of Great Britain on the Netherlands has been carried forward to the ruin of their commerce in the West Indies. The plan for the southern campaign of 1778 was prepared by Germain with great minuteness of detail. Georgia and South Carolina were to be reduced by detachments from the army of New York and be held by the employment of their own militia; the upland settlements were to be separated from the planters of the low country; the one to be reduced by the terror of savage warfare, the other by the fear of their slaves; the city of Charleston was in due time to be taken, and, on the appearance of a small corps at Cape Fear, "large numbers of the inhabitants," it was thought, "would doubtless flock to the standard of the king," whose government would be restored in North Carolina. But, for want of troops, the summer at the South passed away in idleness. When in autumn two expeditions of regulars and vindictive refugees were sent by Brigadier-General Prevost from east Florida into Georgia, the one was stopped at Sunbury, the other at the Ogeechee. The latter on its return burned the church, almost every dwelling-house in Midway, and all rice and other cereals within their reach; and they brought off negroes, horses, cattle, and plate. Screven, an American officer, beloved for his virtues, was killed after he became a prisoner.

Robert Howe, the American commander in the southern district, returned from an expedition against St. Augustine after the loss of one quarter of his men.

In December, three thousand men, despatched from New York under Lieutenant-Colonel Campbell, approached Savannah. Relying on the difficulties of the ground, Howe offered resistance to a disciplined corps, ably commanded, and more than three times as numerous as his own; but, on the twenty-ninth of December, a British party, guided by a negro through a swamp, made a simultaneous attack on the Americans in front and rear, and drove them into a precipitate retreat. With a loss of but twenty-four in killed and wounded, the British gained the capital of Georgia and more than four hundred prisoners. Campbell promised protection to the inhabitants, but only on condition that "they would support the royal government with their arms." The captive soldiers, refusing to enlist in the British service, were crowded on board prison-ships, to be swept away by infection. Many civilians submitted; determined republicans found an asylum in the western parts of the state.

At the request of the delegates from South Carolina, Robert Howe was superseded in the southern command by Major-General Benjamin Lincoln. In private life this officer was most estimable; as a soldier he was brave, but slow in perception and in will. Toward the end of 1776 he had repaired to Washington's camp as a major-general of militia; in the following February he was transferred to the continental service, and passed the winter at Morristown. In the spring of 1777 he was surprised by the British, and narrowly escaped. In the summer he was sent to the North, but never took part in any battle. Wounded by a British party whom he mistook for Americans, he left the camp, having been in active service less than a year. He had not fully recovered when, on the fourth of December 1778, he entered upon the command in Charleston.

Early in January 1779, Prevost marched to Savannah, reducing Sunbury on the way; and Campbell took possession of Augusta. The province of Georgia appearing to be restored to the crown, plunder became the chief thought of the British army. Lincoln took post near Perrysburg, with at first scarcely more than eleven hundred men. The British detached two hundred men to Beaufort. Moultrie, sent almost

alone to counteract the movement, rallied under his standard about an equal number of militia, and nine continentals. Their enemy had the advantage of position; but, under a leader whom they trusted, on the third of February they drove the invaders with great loss to their ships.

The continental regiments of North Carolina were with Washington; its legislature promptly sent, under Ashe and Rutherford, two thousand men, though without arms, to serve for five months. The scanty stores of South Carolina were exhausted in arming them. In the last days of January 1779 they joined the camp of Lincoln. The assembly of South Carolina, superseding Rawlins Lowndes by an almost unanimous vote, recalled John Rutledge to be their governor, ordered a regiment of light dragoons to be raised, offered a bounty of five hundred dollars to every one who would enlist for sixteen months, and gave power to the governor and council to draft the militia of the state and "do everything necessary for the public good."

The British, having carried their arms into the upper country of Georgia, sent emissaries to encourage a rising in South Carolina. A party of men, whose chief object was rapine, put themselves in motion to join the British, gathering booty on the way. They were pursued across the Savannah by Colonel Andrew Pickens, with about three hundred of the citizens of Ninety-Six; and, on the fourteenth of February, were overtaken, surprised, and routed. About two hundred escaped to the British lines. Their commander and forty others fell in battle, and many prisoners were taken. The republican government, which since 1776 had maintained its jurisdiction without dispute in every part of the commonwealth, arraigned some of them in the civil court; and, by a jury of their fellow-citizens, seventy of them were convicted of treason and rebellion against the state of South Carolina. Of these, five were executed.

The army of Lincoln was greatly inferior to the British in number, and far more so in quality; yet he detached Ashe, with fifteen hundred of the North Carolina militia, on separate service. This inexperienced general crossed the Savannah at Augusta, which the British had abandoned, descended the river

with the view to confine the enemy within narrower limits, and, following his orders, encamped his party at Brier creek, on the Savannah, beyond supporting distance. The post seemed to him strong, as it had but one approach. The British amused Lincoln by a feint, while Lieutenant-Colonel Prevost turned the position of Ashe, and on the third day of March fell upon his party. The few continentals, about sixty in number, alone made a brave defence. By wading through swamps and swimming the Savannah, four hundred and fifty of the militia rejoined the American camp; the rest perished, or were captured, or returned to their homes. So quickly was one fourth of the troops of Lincoln lost. After this success General Prevost proclaimed a sort of civil government in Georgia.

Reinforced from the South Carolina militia, of whom Rutledge had assembled great numbers at Orangeburg, Lincoln undertook to lead his troops against Savannah by way of Augusta, leaving only a thousand militia under Moultrie at Perrysburg. Prevost had the choice between awaiting an attack or invading the richest part of Carolina. His decision was for the side which promised booty. On the twenty-eighth of April, supported by Indians, he crossed the river with three thousand men and drove Moultrie before him. It was represented to him that Charleston was defenceless. After two or three days of doubt, the hope of seizing the city lured him on; and upon the eleventh of May he appeared before the town. He came two days too late. While he hesitated, the men of Charleston had protected the neck by sudden but well-planned works; on the ninth and tenth, Rutledge arrived with militia, and Moultrie with all of his party that remained true to him, as well as a detachment of three hundred men from the army of Lincoln. While the British crossed the Ashley river, Pulaski and a corps were ferried over the Cooper into Charleston.

In the camp of Washington young Laurens became impatient to fly to his native state and levy and command a regiment of blacks. Alexander Hamilton recommended the project to the president of congress in these words: "The negroes will make very excellent soldiers. This project will have to combat

prejudice and self-interest. Contempt for the blacks makes us fancy many things that are founded neither in reason nor experience. Their natural faculties are as good as ours. Give them their freedom with their muskets: this will secure their fidelity, animate their courage, and have a good influence upon those who remain, by opening the door for their emancipation. Humanity and true policy equally interest me in favor of this unfortunate class of men." Two days later the elder Laurens wrote to Washington: "Had we arms for three thousand such black men as I could select in Carolina, I should have no doubt of driving the British out of Georgia and subduing east Florida before the end of July." To this Washington answered: "Should we begin to form battalions of them, I have not the smallest doubt" the British would "follow us in it and justify the measure upon our own ground. The contest then must be, who can arm fastest. And where are our arms?"

Congress listened to Huger, the agent from South Carolina, as he explained that his state was weak, because many of its citizens must remain at home to prevent revolts among the negroes, or their desertion to the enemy; and it recommended as a remedy that the two southernmost of the thirteen states should arm three thousand of the most vigorous and enterprising of the negroes under command of white officers.

A few days before the British came near Charleston young Laurens arrived, bringing this advice of congress. It was heard in anger and rejected. The state felt itself cast off and alone. Georgia had fallen; the country between Savannah and Charleston was overrun; the British confiscated all negroes whom they could seize; their emissaries were urging the rest to rise against their owners or to run away. Many began to regret the struggle for independence. Moved by their dread of exposing Charleston to be taken by storm, and sure at least of gaining time by protracted parleys, the executive government sent a flag to ask of the invaders their terms for a capitulation. In answer, the British general offered peace to the inhabitants who would accept protection; to all others, the condition of prisoners of war. The council, at its next meeting, debated giving up the town; Moultrie, Laurens, and Pulaski, who were called in, declared that they had men

enough to beat the invaders; and yet, against the voice of Gadsden, of Ferguson, of John Edwards, and of others, the majority, irritated by the advice of congress to emancipate and arm slaves, "proposed a neutrality during the war, the question whether the state shall belong to Great Britain or remain one of the United States to be determined by the treaty of peace between the two powers." Laurens, being called upon to bear this message, scornfully refused, and another was selected. The British general declined to treat with the civil government of South Carolina, but made answer to Moultrie that the garrison must surrender as prisoners of war. "Then we will fight it out," said Moultrie to the governor and council, and left their tent. Gadsden and Ferguson followed him, to say: "Act according to your own judgment, and we will support you;" and Moultrie waved the flag from the gate as a signal that the conference was at an end.

The enemy had intercepted a letter from Lincoln in which he charged Moultrie "not to give up the city, nor suffer the people to despair," for he was hastening to their relief. At daylight the next morning the British were gone. They had escaped an encounter by retreating to the islands. The Americans, for want of boats, could not prevent their embarkation, nor their establishing a post at Beaufort. The Carolina militia returned home; Lincoln, who was left with but about eight hundred men, passed the great heats of summer at Sheldon.

The invasion of South Carolina by the army of General Prevost proved nothing more than a raid through the richest plantations of the state. The British pillaged almost every house in a wide extent of country, sparing in some measure those who professed loyalty to the king. Objects of value not transportable were destroyed. Porcelain, mirrors, windows, were dashed in pieces; gardens, carefully planted with exotics, laid waste. Domestic animals were wantonly shot. About three thousand fugitive slaves passed with the army into Georgia.

The southernmost states looked for relief to the French fleet in America, but ill fortune clung to it. In September 1778 the Marquis de Bouillé, the gallant governor-general of the French Windward islands, in a single day wrested from Great

Britain the strongly fortified island of Dominica; but d'Estaing, with a greatly increased fleet and a land-force of nine thousand men, came in sight of the island of St. Lucia just as its last French flag had been struck to a corps of fifteen hundred British troops. A landing for its recovery was repulsed, with a loss to d'Estaing of nearly fifteen hundred men.

Early in January 1779, reinforcements under Admiral Byron transferred maritime superiority to the British; and d'Estaing for six months sheltered his fleet within the bay of Port Royal. At the end of June, Byron having left St. Lucia to convoy a company of British merchant ships through the passages, d'Estaing detached a force against St. Vincent, which, with the aid of the oppressed and enslaved Caribs, its native inhabitants, was easily taken. This is the only instance in the war where insurgent slaves acted efficiently. On the fourth of July, Grenada surrendered at discretion to the French admiral. Two days later the fleet of Byron arrived within sight of the French, and, though reduced in number, sought a general action, which the French knew how to avoid. In the running fight that ensued, the British ships suffered so much in their masts and rigging that the French recovered the superiority.

To a direct co-operation with the United States, d'Estaing was drawn by the wish of congress, the entreaties of South Carolina, and his own never-failing good-will. On the first day of September he approached Georgia so suddenly that he took by surprise four British ships-of-war. To the government of South Carolina he announced his readiness to assist in reducing Savannah; but he made it a condition that his fleet, which consisted of thirty-three sail, should not be detained long off so dangerous a coast. In ten days the French troops, though unassisted, effected their landing. Meantime, the British commander worked day and night with relays of hundreds of negroes to strengthen his defences.

On the sixteenth d'Estaing summoned General Prevost to surrender. While Prevost gained time by a triple interchange of notes, Maitland, regardless of malaria, pressed through the swamps of the low country, and, flushed with a mortal fever caught on the march, brought to his aid eight hundred men

from Beaufort. When they all had arrived, the British gave their answer of defiance.

It was the twenty-third of September when the Americans under Lincoln joined the French in the siege of the city. On the eighth of October the reduction of Savannah seemed still so far distant that the naval officers insisted on the rashness of leaving the fleet longer exposed to autumnal gales or to an attack, with so much of its strength on land. An assault was therefore resolved on for the next day, an hour before sunrise, by two feigned and two real attacks.

The only chance of success lay in the precise execution of the plan. The column under Count Dillon, which was to have attacked the rear of the British lines, missed its way in a swamp, of which it should only have skirted the edge, was helplessly exposed to the British batteries, and could not even be formed. It was broad day when the party with d'Estaing, accompanied by a part of the Carolinians, advanced fearlessly, but only to become huddled together near the parapet under a destructive fire from musketry and cannon. The American standard was planted on the ramparts by Hume and by Bush, lieutenants of the second South Carolina regiment, but both of them fell; at their side Sergeant Jasper was mortally wounded, but he used the last moments of his life to bring off the colors which he supported. A French standard was planted with no better result.

After an obstinate struggle of fifty-five minutes to carry the redoubt, the assailants retreated before a charge of grenadiers and marines, led gallantly by Maitland. The injury sustained by the British was trifling; the loss of the Americans was about two hundred; of the French, thrice as many. D'Estaing was twice wounded; Pulaski once, and mortally. "The cries of the dying," so wrote the severely wounded Baron de Stedingk to his king, Gustavus III. of Sweden, "pierced me to the heart. I desired death, and might have found it, but for the necessity of thinking how to save four hundred men whose retreat was stopped by a broken bridge." The patriots of Georgia who had joined in the siege fled to the backwoods or across the river; the French sailed for France. At Paris, Stedingk, as he moved about on crutches, became

the delight of the highest social circle; and at one of the theatres was personated on the stage, leading a storming party.

Lincoln repaired to Charleston, and was followed by what remained of his army; the militia of South Carolina returned home; its continental regiments were melting away; and its paper money became so nearly worthless that a bounty of twenty-five hundred dollars for twenty-one months' service had no attraction. The dwellers near the sea between Charleston and Savannah knew not where to find protection. Throughout the state the people were disheartened, and foreboded its desolation.

Now that the British held Georgia and Beaufort in South Carolina, they might have gained an enduring mastery by emancipating and arming the blacks. But the idea that slavery was a sin against humanity was unknown to parliament and to the ministry, and would have been hooted at by the army. The thought of universal emancipation had not yet conquered the convictions of the ruling class in England. The English of that day rioted in the lucrative slave-trade, and the zeal of the government in upholding it had been one of the causes that provoked the American war. The advice to organize an army of liberated negroes, though persisted in by the royal governor of Virginia, was crushed by the eagerness of the British officers and soldiers in America for plunder. In this they were encouraged by the cordial approbation of the king and his ministers. The instructions from Germain authorized the confiscation and sale, not only of negroes employed in the American army, but of those who voluntarily followed the British troops and took sanctuary under British jurisdiction. They continued to be shipped to the slave-markets of the West Indies.

Before the end of three months after the capture of Savannah, all the property, real and personal, of the rebels in Georgia was disposed of. For further gains, Indians were encouraged to bring in slaves wherever they could find them. All families in South Carolina were subjected to the visits of successive sets of banditti, who received commissions as volunteers with no pay or emolument but that derived from rapine, and who, roaming about at pleasure, robbed the planta-

tions, alike of patriots and loyalists. Negroes were the spoil most coveted; on the average, they were valued at two hundred and fifty silver dollars each. When Sir James Wright returned to the government of Georgia he found several thousands of them awaiting distribution among claimants. Every hope of the slave for enfranchisement was crushed.

The property of the greatest part of the inhabitants of South Carolina was confiscated. Families were divided; patriots outlawed and savagely assassinated; houses burned, and women and children driven shelterless into the forests; districts so desolated that they seemed the abode only of orphans and widows. Left mainly to her own resources, it was through the depths of wretchedness that her sons were to bring her back to her place in the republic, after suffering more, and daring more, and achieving more than the men of any other state.

Sir Henry Clinton, who had so completely failed before Charleston in 1776, resolved in person to carry out the order for its reduction. In August an English fleet, commanded by Arbuthnot, an old and inefficient admiral, brought him reinforcements and stores; in September fifteen hundred men arrived from Ireland; in October the troops which had so long been stationed in Rhode Island joined his army. He still waited till he became assured that the superior fleet of d'Estaing had sailed for Europe.

Leaving the command in New York to the veteran Knyphausen, Clinton, with eight thousand five hundred officers and men, on the day after Christmas 1779, set sail for the conquest of South Carolina. The admiral led the van into the adverse current of the gulf-stream; glacial storms scattered the fleet; an ordnance vessel foundered; American privateers captured some of the transports; a bark, carrying Hessian troops, lost its masts, was driven by gales across the ocean, and broke in pieces just after its famished passengers landed near St. Ives in England. Most of the horses perished. Few of the transports arrived at Tybee in Georgia, the place of rendezvous, before the end of January. Clinton immediately ordered from New York Lord Rawdon's brigade of about three thousand more.

Charleston was an opulent town of fifteen thousand inhabitants, free and slave. Among them were traders and others, who were the representatives of British interests. The city, which was not deserted by its private families, had no great store of provisions. The paper money of the province was worth but five per cent of its nominal value. The town, like the country around it, was flat and low. On three sides it lay upon the water; and, for its complete investment, an enemy who commanded the sea needed only to occupy the neck between the Cooper and the Ashley rivers. It had neither citadel, nor fort, nor ramparts, nor materials for building anything more than field-works of loose sand, kept together by boards and logs. The ground to be defended within the limits of the city was very extensive; and Lincoln commanded less than two thousand effective men. On the third of February 1780 the general assembly of South Carolina intrusted the executive of the state with power "to do all things necessary to secure its liberty, safety, and happiness, except taking the life of a citizen without legal trial." But the defeat before Savannah had disheartened the people. The southern part of the state needed all its men for its own protection; the middle part was disaffected; the frontiers were menaced by savage tribes. Yet, without taking counsel of his officers, Lincoln, reluctant to abandon public property which he had not means to transport, remained in the city.

On the twenty-sixth the British forces from the eastern side of St. John's Island gained a view of the town, its harbor, the sea, and carefully cultivated plantations, which, after their fatigues, seemed to them a paradise. The best defence of the harbor was the bar at its outlet; and already, on the twenty-seventh, the officers of the continental squadron, which carried a hundred and fifty guns, reported their inability to guard it. "Then," in the opinion of Washington, "the attempt to defend the town ought to have been relinquished." But Lincoln, intent only on strengthening its fortifications, was the first to go to work on them in the morning, and would not return till late in the evening. With the guns of the squadron and its seamen, he manned batteries on shore; and ships were sunk to close the entrance to the Ashley river.

Clinton, trusting nothing to hazard, moved slowly along a coast intersected by creeks and checkered with islands. Lincoln used the time to draw into Charleston all the force in the southern department of which he could dispose. On the seventh of April the remains of the Virginia line, seven hundred veterans, entered Charleston, having in twenty-eight days marched five hundred miles to certain captivity.

On the ninth, Arbuthnot, taking advantage of a gentle east wind, brought his ships into the harbor, without suffering from Fort Moultrie or returning its fire. The next day, the first parallel being completed, Clinton and Arbuthnot summoned the town to surrender. Lincoln answered: "From duty and inclination, I shall support the town to the last extremity."

On the thirteenth the American officers insisted that Governor Rutledge should withdraw from Charleston, leaving Gadsden, the lieutenant-governor, with five of the council. On the same morning Lincoln for the first time called a council of war and suggested an evacuation. "We should not lose an hour," said Mackintosh, "in attempting to get the continental troops over the Cooper river; for on their safety depends the salvation of the state." But Lincoln only invited them to consider the measure maturely till he should send for them again. Before he called a second council, the American cavalry, which kept up some connection between the town and the country, had been surprised and dispersed; Cornwallis had arrived with nearly three thousand men from New York; and the British had occupied the peninsula from the Cooper to the Wando; so that an evacuation was no longer possible. On the sixth of May, Fort Moultrie surrendered without firing a gun.

On the twelfth, when the British were ready to assault the town by land and water, Lincoln signed a capitulation. The continental troops and sailors became prisoners of war until exchanged; the militia from the country were to return home as prisoners of war on parole, and to be secure in their property so long as their parole should be observed. All free male adults in Charleston, including the aged, the infirm, and even the loyalists, were counted and paroled as prisoners, of whom

Clinton, in this vainglorious way, raised the number to five thousand.

The value of the spoil, which was distributed by English and Hessian commissaries of captures, amounted to about three hundred thousand pounds sterling; the dividend of a major-general exceeded four thousand guineas. There was no restraint on private rapine; the silver plate of the planters was carried off; all negroes that had belonged to rebels were seized, even though they had themselves sought an asylum within the British lines; and at one embarkation two thousand of them were shipped to the West Indies for sale. British and German officers thought more of amassing fortunes than of reuniting the empire. The patriots were not allowed to appoint attorneys to manage or to sell their estates. A sentence of confiscation hung over the land, and British protection was granted only on the unconditional promise of loyalty.

For six weeks all opposition ceased in South Carolina. One expedition was sent by Clinton up the Savannah to encourage the loyal and reduce the disaffected in the neighborhood of Augusta; another proceeded for the like purpose to the district of Ninety-Six, where Williamson surrendered his post and accepted British protection; Pickens was reduced to inactivity; alone of the leaders of the patriot militia, Colonel James Williams escaped pursuit and preserved his freedom of action. A third and larger party under Cornwallis moved across the Santee toward Camden. The rear of the old Virginia line, commanded by Colonel Buford, arriving too late to reinforce the garrison of Charleston, had retreated toward the north-east of the state. They were pursued, and on the twenty-ninth of May were overtaken by Tarleton with seven hundred cavalry and mounted infantry. Buford himself, a few who were mounted, and about a hundred of the infantry, saved themselves by flight. The rest, making no resistance, vainly sued for quarter. None was granted. A hundred and thirteen were killed on the spot; a hundred and fifty were too badly hacked to be moved; fifty-three only could be brought into Camden as prisoners. The tidings of this massacre, borne through the southern forests, excited horror and anger; but Tarleton received from Cornwallis the highest encomiums.

The capture of Charleston suspended all resistance to the British army. The men of Beaufort, of Ninety-Six, and of Camden capitulated under the promise of security, believing that they were to be treated as neutrals or as prisoners on parole. The attempt was now made to force the men of Carolina into active service in the British army, and so to become the instruments of their own subjection.

On the twenty-second of May confiscation of property and other punishments were denounced against all who should thereafter oppose the king in arms, or hinder any one from joining his forces. On the first of June a proclamation by the commissioners, Clinton and Arbuthnot, offered pardon to the penitent, on their immediate return to allegiance; to the loyal, the promise of their former political immunities, including freedom from taxation except by their own legislature.

On the third of June, Clinton, by a proclamation which he alone signed, cut up British authority in Carolina by the roots. He required all the inhabitants of the province, even those outside of Charleston "who were now prisoners on parole," to take an active part in securing the royal government. "Should they neglect to return to their allegiance," so ran the proclamation, "they will be treated as rebels to the government of the king." He never reflected that many who accepted protection from fear or convenience did so in the expectation of living in a state of neutrality, and that they might say: "If we must fight, let us fight on the side of our friends, of our countrymen, of America." On the eve of his departure for New York he reported to Germain: "The inhabitants from every quarter declare their allegiance to the king, and offer their services in arms. There are few men in South Carolina who are not either our prisoners or in arms with us."

CHAPTER XXV.

THE WAR IN THE SOUTH. CORNWALLIS AND GATES.

1780.

Rivalry between Clinton and Cornwallis already glowed under the ashes. Clinton had written home more truth than was willingly listened to; and, though he clung with tenacity to his commission, intimated a wish to be recalled. Germain took him so far at his word as to give him leave to transfer to Cornwallis the chief command in North America.

In 1780 all opposition in South Carolina was for the moment at an end, when Cornwallis entered on his separate command. He proposed to keep possession of all that had been gained, and to advance as a conqueror to the Chesapeake. Clinton had left with him no more than five thousand effective troops in South Carolina, and less than two thousand in Georgia; to these were to be added the regiments which he was determined to organize out of the southern people.

As fast as the districts submitted, the new commander enrolled all the inhabitants, and appointed field-officers with civil as well as military power. The men of property above forty years of age were made responsible for order, but were not to be called out except in case of insurrection or of actual invasion; the younger men who composed the second class were held liable to serve six months in each year. Hundreds of commissions were issued for the militia regiments. Major Patrick Ferguson, known from his services in New Jersey and greatly valued, was deputed to visit each district in South Carolina, to procure on the spot lists of the militia, and to see that the orders of Cornwallis were carried into execution. Any

Carolinian thereafter taken in arms against the king might be sentenced to death for desertion and treason. Proposals of those who offered to raise provincial corps were accepted; and men of the province, void of honor and compassion, received commissions, gathered about them profligate ruffians, and roamed through the state, indulging in rapine, and ready to put patriots to death as outlaws. Cornwallis never regarded a deserter, or any one whom a court-martial sentenced to death, as a subject of mercy. A quartermaster of Tarleton's legion entered the house of Samuel Wyly near Camden, and, because he had served as a volunteer in the defence of Charleston, cut him in pieces. The Presbyterians supported the cause of independence; and indeed the American revolution was but the application of the principles of the reformation to civil government. One Huck, a captain of British militia, fired the library and dwelling-house of the clergyman at Williams's plantation in the upper part of South Carolina, and burned every Bible into which the Scottish translation of the psalms was bound. Under the immediate eye of Cornwallis, the prisoners who had capitulated in Charleston were the subjects of perpetual persecution, unless they would exchange their paroles for oaths of allegiance. Mechanics and shopkeepers could not collect their dues, except after promises of loyalty.

Lord Rawdon, who had the very important command on the Santee, raged equally against deserters from his Irish regiment and against the inhabitants. To Rugely, at that time a major of militia in the British service and an aspirant for higher promotion, he on the first of July addressed the severest orders for securing straggling soldiers, adding: "I will give the inhabitants ten guineas for the head of any deserter belonging to the volunteers of Ireland, and five guineas only if they bring him in alive."

The chain of posts for holding South Carolina consisted of Georgetown, Charleston, Beaufort, and Savannah on the sea; Augusta, Ninety-Six, and Camden in the interior. Of these, Camden was the key between the North and South; and, by a smaller post at Rocky Mount, it kept up a communication with Ninety-Six.

At the end of June, Cornwallis reported that he had put an end to all resistance in Georgia and South Carolina, and in September, after the harvest, would march into North Carolina to reduce that province. On hearing of the violence of the British, Houston, the delegate in congress from Georgia, wrote to Jay: "Our misfortunes are, under God, the source of our safety. The enemy have overrun a considerable part of the state in the hour of its nakedness and debility; but, as their measures seem as usual to be dictated by infatuation, when they have wrought up the spirit of the people to fury and desperation they will be expelled from the country."

Patriots of South Carolina took refuge in the state on their north. Among them was Sumter, who in the command of a continental regiment had shown courage and ability. To punish his flight, a British detachment turned his wife out of doors and burned his house with everything which it contained. The exiles, banding themselves together, chose him for their leader. For their use, the smiths of the neighborhood wrought iron tools into rude weapons; bullets were cast of pewter, collected from housekeepers. With scarcely three rounds of cartridges to a man, they could obtain no more but from their foes; and with the arms of the dead and wounded in one engagement they must equip themselves for the next.

On the rumor of an advancing American army, Rawdon called on all the inhabitants round Camden to join him in arms. One hundred and sixty who refused he crowded during the heat of midsummer into one prison, though some of them were protected by the capitulation of Charleston. More than twenty were loaded with chains. On the twelfth day of July, Captain Huck was sent out with thirty-five dragoons, twenty mounted infantry, and sixty militia, on a patrol. His troops were posted in a lane at the village of Cross Roads, near the source of Fishing creek; and women were on their knees to him, vainly begging mercy; when suddenly Sumter and his men, though inferior in number, dashed into the lane at both ends, killed the commander, and destroyed nearly all his party. This was the first advantage gained over the royal forces since the beginning of the year.

The order by which all the men of Carolina were enrolled

in the militia drove into the British service prisoners on parole and all who had wished to remain neutral. One Lisle, who thus suffered compulsion in the districts bordering on the rivers Tyger and Enoree, waited till his battalion was supplied with arms and ammunition, and then conducted it to its old commander who was with Sumter in the Catawba settlement.

Thus strengthened, Sumter, on the thirtieth of July, made a spirited though unsuccessful attack on Rocky Mount. Having repaired his losses, on the sixth of August he surprised the British post at Hanging Rock. A regiment of refugees from North Carolina fled with precipitation; their panic spread to the provincial regiment of the prince of Wales, which suffered severely. In the beginning of the action not one of the Americans had more than ten bullets; before its end they used the arms and ammunition of the fallen. Among the partisans who were present in this fight was Andrew Jackson, an orphan boy of Scotch-Irish descent, whom hatred of oppression and love of country impelled to deeds beyond his years. Sumter drew back to the Catawba settlement, and from all parts of South Carolina patriots flocked to his standard.

So far the South had rested on its own exertions. Relying on the internal strength of New England and the central states for their protection, Washington was willing to incur hazard for the relief of the Carolinas; and, with the approval of congress, from his army of less than ten and a half thousand men, of whom twenty-eight hundred were to be discharged in April, he detached General Kalb with the Maryland division of nearly two thousand men and the Delaware regiment. Marching orders for the southward were given to the corps of Major Lee. The movement of Kalb was slow for want of the means of transportation. At Petersburg in Virginia he added to his command a regiment of artillery with twelve cannon.

Of all the states, Virginia, of which Jefferson was then the governor, lay most exposed to invasion from the sea, and was in constant danger from the savages on the west; yet it was unmindful of its own perils. Its legislature met on the ninth of May. Within ten minutes after the house was formed,

Richard Henry Lee proposed to raise and send twenty-five hundred men to serve for three months in Carolina, and to be paid in tobacco, which had a real value. Major Nelson with sixty horse, and Colonel Armand with his corps, were already moving to the south. The force assembled at Williamsburg for the protection of the country on the James river consisted of no more than three hundred men; but they too were sent to Carolina before the end of the month. North Carolina made a requisition on Virginia for arms, and received them. With a magnanimity which knew nothing of fear, Virginia laid herself bare for the protection of the Carolinas.

The news that Charleston had capitulated found Kalb still in Virginia. On the twentieth of June he entered North Carolina, and at Hillsborough halted to repose his wayworn soldiers. He found no magazines, nor did the governor of the state much heed his requisitions or his remonstrances. Caswell, who was in command of the militia, disregarded his orders from the vanity of acting separately. Yet, under all privations, the officers and men of his command vied with each other in maintaining order and harmony. In his camp at Buffalo ford, on Deep river, while he was still doubting how to direct his march, he received news of measures adopted by congress for the southern campaign.

Washington wished Greene to succeed Lincoln; congress, not asking his advice but not ignorant of his opinion, on the thirteenth of June unanimously appointed Gates to the independent command of the southern army. He received his orders from congress and was to make his reports directly to that body. He might address himself directly to Virginia and the states beyond it for supplies; of himself alone appoint all staff-officers; and take such measures as he should think most proper for the defence of the South. From his plantation in Virginia, Gates made his acknowledgment to congress without elation; to Lincoln he wrote in modest and affectionate language. He enjoined on all remnants of continental troops in Virginia to repair to the southern army with all possible diligence.

Upon information received at Hillsborough from Huger of South Carolina, Gates formed his plan to march directly to Camden, assured of its easy capture. To Kalb he wrote:

"Enough has been lost in a vain defence of Charleston; if more is sacrificed, the southern states are undone; and this may go nearly to undo the rest."

Arriving in the camp of Kalb, the first words of Gates ordered the troops to be prepared to march at a moment's warning. The safest route, recommended by a memorial of the principal officers, was by way of Salisbury and Charlotte, through a most fertile, salubrious, and well-cultivated country, inhabited by Presbyterians who were heartily attached to the cause of independence. But Gates, on the morning of the twenty-seventh of July, put what he called the "grand army" on its march by the shortest route to Camden, through a barren country which could offer no food but lean cattle, fruit, and unripe maize.

On the third of August the army crossed the Pedee river, making a junction on its southern bank with Lieutenant-Colonel Porterfield of Virginia, an excellent officer, who had been sent to the relief of Charleston, and had found means to subsist his small command on the frontier of South Carolina.

The force of which Gates could dispose revived the hopes of the South Carolinians, who were writhing under the insolence of an army in which every soldier was licensed to plunder, and every officer outlawed peaceful citizens at will. The British commander on the Pedee called in his detachments, abandoned his post on the Cheraw Hill, and repaired to Lord Rawdon at Camden. An escort of Carolinians, who had been forced to take up arms on the British side, rose against their officers and made prisoners of a hundred and six British invalids who were descending the Pedee river. A boat from Georgetown, laden with stores for the British at Cheraw, was seized by Americans. A revolt in the public mind against British authority invited Gates onward. Misled by false information, from his camp on the Pedee he announced on the fourth by a proclamation, that their late triumphant and insulting foes had retreated with precipitation and dismay on the approach of his numerous, well-appointed, and formidable army.

On the seventh, at the Cross Roads, the troops with Gates made a junction with the North Carolina militia under Caswell, and proceeded toward the enemy at Lynch's creek.

In the following night that post was abandoned, and Lord Rawdon occupied another on the southern bank of Little Lynch's creek, unassailable from the deep, muddy channel of the river, and within a day's march of Camden. Here he was joined by Tarleton with a small detachment of cavalry, who on their way had mercilessly ravaged the country on the Black river as a punishment to its patriot inhabitants, and as a terror to the dwellers on the Wateree and Santee. By a forced march up the stream, Gates could have turned Lord Rawdon's flank and made an easy conquest of Camden. Missing his opportunity, on the eleventh, after a useless halt of two days, he defiled by the right, and, marching to the north of Camden, on the thirteenth encamped at Clermont, which the British had just abandoned. In the time thus allowed, Rawdon strengthened himself by four companies from Ninety-Six, as well as by the troops from Clermont, and threw up redoubts at Camden.

On the evening of the tenth Cornwallis left Charleston, and arrived at Camden before the dawn of the fourteenth. At ten o'clock on the night of the fifteenth he set his troops in motion, in the hope of joining battle with the Americans at the break of day.

On the fourteenth Gates had been joined by seven hundred Virginia militia under the command of Stevens. On the same day Sumter, appearing in camp with four hundred men, asked for as many more to intercept a convoy with its stores on the road from Charleston to Camden. Gates, who believed himself at the head of seven thousand men, granted his request. Sumter left the camp, taking with him eight hundred men, and on the next morning captured the wagons and their escort.

An exact field return proved to Gates that he had but three thousand and fifty-two rank and file present and fit for duty. "These are enough," said he, "for our purpose;" and on the fifteenth he communicated to a council of officers an order to begin their march at ten o'clock in the evening of that day. He was listened to in silence. Many wondered at a night march of an army, of which more than two thirds were militia that had never even been paraded together; but Gates, who had the "most sanguine confidence of victory and the disper-

sion of the enemy," appointed no place for rendezvous, and began his march before his baggage was sufficiently in the rear.

At half-past two on the morning of the sixteenth, about nine miles from Camden, the advance-guard of Cornwallis fell in with the advance-guard of the Americans, to whom the collision was a surprise. Their cavalry was in front, but Armand, its commander, who disliked his orders, was insubordinate; the horsemen in his command turned suddenly and fled; and neither he nor they did any service that night or the next day. The retreat of Armand's legion produced confusion in the first Maryland brigade, and spread consternation throughout the army, till the light infantry on the right, under the command of Colonel Porterfield, threw back the party that made the attack and restored order; but at a great price, for Porterfield received a wound which proved fatal.

To a council of the American general officers, held immediately in the rear of the lines, Gates communicated the report of a prisoner, that a large regular force of British troops under Cornwallis was five or six hundred yards in their front, and submitted the question whether it would be proper to retreat. Stevens declared himself eager for battle, saying that "the information was but a stratagem of Rawdon to escape the attack." No other advice being offered, for even Kalb remained silent, Gates desired them to form in line of battle.

The position of Lord Cornwallis was most favorable. A swamp on each side secured his flanks against the superior numbers of the Americans. At daybreak his last dispositions were made. The front line, to which were attached two six-pounders and two three-pounders, was commanded on the right by Lieutenant-Colonel Webster, on the left by Lord Rawdon; a battalion with a six-pounder was posted behind each wing as a reserve; the cavalry were in the rear, ready to charge or to pursue.

On the American side, the second Maryland brigade with Gist for its brigadier, and the men of Delaware, occupied the right under Kalb; the North Carolina division with Caswell, the centre; and Stevens, with the newly arrived Virginia militia, the left: the best troops on the side strongest by na-

ture, the worst on the weakest. The first Maryland brigade at the head of which Smallwood should have appeared, formed a second line about two hundred yards in the rear of the first. The artillery was divided between the two brigades.

Gates took his place in the rear of the second line. He gave no order till Otho Williams proposed to him to begin the attack with the brigade of Stevens, who had been with the army only one day. Stevens gave the word; and, as they prepared to move forward, Cornwallis ordered Webster, whose division contained his best troops, to assail them, while Rawdon was to engage the American right. As the British with Webster rushed on, firing and shouting huzza, Stevens reminded his militia that they had bayonets; but they had received them only the day before, and knew not how to use them; so, dropping their muskets, they escaped to the woods with such speed that not more than three of them were killed or wounded.

Caswell and the militia of North Carolina, except the few who had Gregory for their brigadier, followed the example; nearly two thirds of the army, Gates himself writes this of them, "ran like a torrent," and he, their general, ran with them. They took to the woods and dispersed in every direction, while Gates disappeared from the scene, taking no thought for the continental troops whom he left at their posts in the field, and flying, or, as he called it, retiring, as fast as possible to Charlotte.

The militia having been routed, Webster came round the flank of the first Maryland brigade and attacked them in front and on their side. Though Smallwood was nowhere to be found, they were sustained by the reserve till the brigade was outflanked by greatly superior numbers and obliged to give ground. After being twice rallied, they finally retreated. The division which Kalb commanded continued long in action, and never did troops show greater courage than these men of Maryland and Delaware. The horse of Kalb had been killed under him, and he had been badly wounded; yet he continued to fight on foot. At last, in the hope of victory, he led a charge, drove the division under Rawdon, took fifty prisoners, and would not believe that he was not about to gain the day, when

Cornwallis poured against him a party of dragoons and infantry. Even then he did not yield until disabled by many wounds.

The victory cost the British about five hundred of their best troops; "their great loss," wrote Marion, "is equal to a defeat." How many Americans perished on the field or surrendered is not accurately known. They saved none of their artillery and little of their baggage. Except one hundred continental soldiers whom Gist conducted across swamps through which the cavalry could not follow, every corps was dispersed. The canes and underwood that hid them from their pursuers separated them from one another.

Kalb lingered for three days; but, before he closed his eyes, he bore an affectionate testimony to the exemplary conduct of the division which he had commanded, and of which two fifths had fallen in battle. Opulent, and happy in his wife and children, he gave to the United States his life and his example. Congress decreed him a monument. The British parliament voted thanks to Cornwallis.

Gates and Caswell, leaving the army without orders, rode in all haste to Clermont which they reached ahead of all the fugitives, and then pressed on and still on, until, late in the night, they escorted each other into Charlotte. The next morning Gates left Caswell to rally such troops as might come in; and himself sped to Hillsborough, where the North Carolina legislature was soon to meet, riding altogether more than two hundred miles in three days and a half, and running away from his army so fast and so far that he knew nothing about its condition. Caswell, after waiting one day, followed his example.

On the nineteenth, American officers, coming into Charlotte, placed their hopes of a happier turn of events on Sumter, who commanded the largest American force that now remained in the Carolinas. His detachment had, on the fifteenth, captured more than forty British wagons laden with stores, and secured more than a hundred prisoners. On hearing of the misfortunes of "the grand army," Sumter retreated slowly and carelessly up the Wateree. On the seventeenth he remained through the whole night at Rocky Mount, though he knew

that the British were on the opposite side of the river, and in possession of boats and the ford. On the eighteenth he advanced only eight miles; and on the north bank of Fishing creek, at bright mid-day, his troops stacked their arms; some took repose; some went to the river to bathe; some strolled in search of supplies; and Sumter himself fell fast asleep in the shade of a wagon. In this state a party under Tarleton cut them off from their arms and put them to rout, taking two or three hundred of them captive, and recovering the British prisoners and wagons. On the twentieth Sumter rode into Charlotte alone, without hat or saddle.

CHAPTER XXVI.

THE WAR IN THE SOUTH. CORNWALLIS AND THE PEOPLE OF THE SOUTH-WEST.

1780.

From the moment of his victory near Camden, Cornwallis became the principal figure in the British service in America —the pride and delight of Germain, the desired commander-in-chief, the one man on whom rested the hopes of the ministry for the successful termination of the war.

We are come to the series of events which closed the American contest and restored peace to the world. In Europe, the sovereigns of Austria and of Russia were offering their mediation; the Netherlands were struggling to preserve their neutrality; France was straining every nerve to cope with her rival in the four quarters of the globe; Spain was exhausting her resources for the conquest of Gibraltar; but the incidents which overthrew the ministry of North, and reconciled Great Britain to America, had their springs in South Carolina.

Cornwallis, elated with success and hope, prepared for the northward march, which was to conduct him from victory to victory, till he should restore all America south of Delaware to its allegiance. He appeared to believe that North Carolina would rise to welcome him; and was attended by Martin, its former governor, eager to re-enter on his office. He requested Clinton to detach three thousand men to establish a post on the Chesapeake bay; and Clinton knew too well the wishes of the British government to venture to refuse.

In carrying out his plan, the first measure of Cornwallis in 1780 was a reign of terror. Professing to regard South Carolina

as restored to the dominion of George III., and accepting the suggestions of Martin and Tarleton and their like, that severity was the true mode to hold the recovered province, he addressed the most stringent orders to the commandants at Ninety-Six and other posts to imprison all who would not take up arms for the king, and to seize or destroy their whole property. He most positively enjoined that every militia-man who had borne arms with the British and had afterward joined the Americans should be hanged immediately. He set up the gallows at Camden for the indiscriminate execution of those among his prisoners who had formerly given their parole.

The destruction of property and life assumed still more hideous forms, when the peremptory orders and example of Cornwallis were followed by subordinates in remote districts away from supervision. Cruel measures seek and find cruel agents; officers whose delight was in blood patrolled the country, burned houses, ravaged estates, and put to death whom they would. The wives and daughters of the opulent were left with no fit clothing, no shelter but hovels too mean to attract the destroyer. Of a sudden the woodman in his cabin would find his house surrounded, and he or his guest might be shot, because he was not in arms for the king. No engagement by proclamation or by capitulation was respected. There was no question of proofs and no trial. For two years cold-blooded assassinations, often in the house of the victim and in the presence of his wife and little children, were perpetrated by men holding the king's commission. The enemy were determined to break every man's spirit, or to take his life.

The ruthless administration of Cornwallis met the hearty and repeated applause of Lord George Germain, who declared himself convinced that "to punish rebellion would have the best consequences." As to the rebels, his orders to Clinton and Cornwallis were: "No good faith or justice is to be expected from them, and we ought in all our transactions with them to act upon that supposition."

In violation of agreements, the continental soldiers who capitulated at Charleston, nineteen hundred in number, were transferred from buildings in the town to prison-ships, where

they were joined by several hundred prisoners from Camden. In thirteen months one third of the whole number perished by malignant fevers; others were impressed into the British service as mariners; several hundred young men were taken by violence on board transports and forced to serve in a British regiment in Jamaica, leaving wives and young children to want. Of more than three thousand confined in prison-ships, all but about seven hundred were made away with.

On the capitulation of Charleston, eminent patriots remained prisoners on parole. Foremost among these stood the aged Christopher Gadsden, whose unselfish love of country was a constant encouragement to his countrymen never to yield. Their silent example restrained the timid from exchanging their paroles for the protection of British subjects. To overcome this influence, eleven days after the victory at Camden, he and thirty-six of his most resolute associates, in flagrant disregard of the conditions on which they had surrendered, were early in the morning taken from their houses and beds and transported to St. Augustine. Gadsden and others, refusing to give a new parole, were immured in the castle of St. Mark. After some weeks a like cargo was shipped to the same place.

The system of slaveholding kept away from defensive service not only the slaves, but numerous whites needed to watch them. Moreover, some of the men deriving their livelihood from the labor of slaves, had not the courage to face the idea of poverty for themselves, still less for their wives and children. Many fainted at the hard option between submission and ruin. Charles Pinckney, lately president of the South Carolina senate, classing himself among those who from the hurry and confusion of the times had been misled, desired to show every mark of allegiance. Rawlins Lowndes, who but a few months before had been president of the state of South Carolina, excused himself for having reluctantly given way to necessity, and accepted any test to prove that, with the unrestrained dictates of his own mind, he now attached himself to the royal government. Henry Middleton, president of the first American congress, though still "partial to a cause for which he had been so long engaged," promised to do nothing to keep

up the spirit of independence, and to demean himself as a faithful subject.

But South Carolina was never conquered. From the moment of the fall of Charleston, Colonel James Williams, of the district of Ninety-Six, did not rest in gathering the armed friends of the union. From the region above Camden, Sumter and his band hovered over all British movements. "Sumter certainly has been our greatest plague in this country," writes Cornwallis.

In the swamps between the Pedee and the Santee, Marion and his men kept watch. Of a delicate organization, sensitive to truth and honor and right, humane, averse to bloodshed, never wreaking vengeance nor suffering those around him to do so, scrupulously respecting private property, he had the love and confidence of all in that part of the country. Tarleton's legion had laid it waste to inspire terror; and volunteer partisans gathered round Marion to redeem their land.

A body of three hundred royalist militia and two hundred regular troops had established a post at Musgrove's Mills on the Enoree river. On the eighteenth of August they were attacked by inferior numbers under Williams of Ninety-Six, and routed, with sixty killed and more than that number wounded. Williams lost but eleven.

At dawn of the twentieth a party, convoying a hundred and fifty prisoners of the Maryland line, were crossing the great savanna near Nelson's ferry over the Santee upon the route from Camden to Charleston, when Marion and his men sprang upon the guard, liberated the prisoners, and captured twenty-six of the escort.

"Colonel Marion," wrote Cornwallis, "so wrought on the minds of the people that there was scarcely an inhabitant between the Pedee and the Santee that was not in arms against us. Some parties even crossed the Santee and carried terror to the gates of Charleston." Balfour, the commandant of Charleston, wrote home: "In vain we expected loyalty and attachment from the inhabitants; they are the same stuff as all Americans." The British historian of the war, who was then in South Carolina, relates that "almost the whole country seemed upon the eve of a revolt."

In the second week of September, when the heats of summer had abated, the earlier cereal grains had been harvested, and the maize was nearly ripe, Cornwallis began his projected march. He relied on the loyalists of North Carolina to recruit his army. On his left, Major Patrick Ferguson, the ablest British partisan, was sent with two hundred of the best troops to the uplands of South Carolina, where he enlisted young men of that country, loyalists who had fled to the mountains for security, and fugitives of the worst character who sought his standard for the chances of plundering with impunity.

The Cherokees had been encouraged during the summer to join in ravaging the American settlements west of the mountains as far as Chiswell's lead mines. Against this danger Jefferson organized, in the south-western counties of the state of which he was the governor, a regiment of four hundred backwoodsmen under the command of Colonel William Campbell, brother-in-law of Patrick Henry; in an interview with William Preston, the lieutenant of Washington county, as the south-west of Virginia was then called, he dwelt on the resources of the country, the spirit of congress, and the character of the people; and for himself and for his state would admit no doubt that, in spite of all disasters, a continued vigorous resistance would bring the war to a happy issue.

At Waxhaw, Cornwallis halted for a few days, and, that he might eradicate the spirit of patriotism from South Carolina before he passed beyond its borders, he, on the sixteenth day of September, sequestered by proclamation all estates belonging to the friends of America, and appointed a commissioner for the seizure of such estates both real and personal. The concealment, removal, or injury of property doomed to confiscation was punishable as an abetting of rebellion. The sequestration extended to debts due to the person whose possessions were confiscated; and, to prevent collusive practices, a great reward was offered to those who should make discovery of the concealment of negroes, horses, cattle, plate, household furniture, books, bonds, deeds, and other property. To patriots, no alternative was left but to fight against their country or to encounter exile and poverty.

The chiefs of the Cherokees were at that very time on their way to Augusta to receive the presents which were to stimulate their activity. Aware of their coming, Clark, a fugitive from Georgia, forced his way back with one hundred riflemen; having joined to them a body of woodsmen, he defeated the British garrison under Colonel Brown at Augusta, and captured the costly presents designed for the Cherokees. The moment was critical; for Cornwallis, in his eagerness to draw strength to his own army, had not left a post or a soldier between Augusta and Savannah, and the alienated people had returned most reluctantly to a state of obedience. With a corps of one hundred provincials and one hundred Cherokees, Brown maintained a position on Garden Hill for nearly a week, when he was rescued by Cruger from Ninety-Six. At his approach, the Americans retired. On the pursuit, some of them were scalped and some taken prisoners. Of the latter, Captain Ashby and twelve others were hanged under the eyes of Brown; thirteen who were delivered to the Cherokees were killed by tortures, or by the tomahawk, or were thrown into fires. Thirty in all were put to death by the orders of Brown.

Cruger desired to waylay and capture the retreating party, and Ferguson eagerly accepted his invitation to join in the enterprise. Cruger moved with circumspection, taking care not to be led too far from the fortress of Ninety-Six; Ferguson was more adventurous, having always the army of Cornwallis on his right. Near the Broad river his party encountered Macdowell with one hundred and sixty militia from Burk and Rutherford counties in North Carolina, pursued them to the foot of the mountains, and left them no chance of safety but by fleeing beyond the Alleghanies.

During these events Cornwallis encountered no serious impediment till he approached Charlotte. There his van was driven back by the fire of a small body of mounted men, commanded by Colonel William Richardson Davie of North Carolina. The general rode up in person, and the American party was dislodged by Webster's brigade; but not till the mounted Americans, scarcely forty in number, had for several minutes kept the British army at bay.

From Charlotte, Cornwallis pursued his course toward

Salisbury. Meantime, the fugitives under Macdowell recounted the sorrows of their families to the emigrant freemen on the Watauga, among whom slavery was scarcely known. The backwoodsmen, though remote from the world, love their fellow-men. In the pure air and life of the mountain and the forest they join serenity with courage. They felt for those who had fled to them; with one heart, they resolved to restore the suppliants to their homes, and for that purpose formed themselves into regiments under Isaac Shelby and John Sevier. Shelby despatched a messenger to William Campbell on the forks of Holston; and the field-officers of south-western Virginia unanimously invited him, with four hundred men, to join in the expedition. An express was sent to Colonel Cleaveland of North Carolina; and all were to meet at Burk county court-house, on the waters of the Catawba.

The three regiments from the west of the Alleghanies under Campbell, Shelby, and Sevier, and the North Carolina fugitives under Macdowell, assembled on the twenty-fifth of September at Watauga. On the next day, each man mounted on his own horse, armed with his own rifle, and carrying his own store of provisions, they began the ride over the mountains, where the passes through the Alleghanies are the highest. Not even a bridle-path led through the forest, nor was there a house for forty miles between the Watauga and the Catawba. The men left their families in secluded valleys, distant one from the other, exposed not only to parties of royalists, but of Indians. In the evening of the thirtieth they formed a junction with the regiment of Colonel Benjamin Cleaveland, consisting of three hundred and fifty men from the North Carolina counties of Wilkes and Surry. The next day Macdowell was despatched to request Gates to send them a general officer; "till he should arrive, Campbell was chosen to act as commandant."

Ferguson, who had pursued the party of Macdowell to the foot of the Alleghanies, and had spread the terror of invasion beyond them, moved eastwardly toward Cornwallis by a road from Buffalo ford to King's Mountain, which offered ground for a strong encampment. Of the parties against him he thus wrote to Cornwallis: "They are become an object of conse-

quence. I should hope for success against them myself; but, numbers compared, that must be doubtful. Three or four hundred good soldiers, part dragoons, would finish the business. Something must be done soon. This is their last push in this quarter."

On receiving the letter, Cornwallis ordered Tarleton to march with the light infantry, the British legion, and a three-pounder to his assistance.

At that time Colonel James Williams was about seventy miles from Salisbury, in the forks of the Catawba, with nearly four hundred and fifty horsemen, in pursuit of Ferguson. Wise and vigilant, he kept out scouts on every side; and, on the second of October, one of them "rejoiced his heart" by bringing him the news that one half of the whole male adult population beyond the mountains were drawing near.

Following a path between King's Mountain and the main ridge of the Alleghanies, "the western army," so they called themselves, under Campbell, already more than thirteen hundred strong, marched to the Cowpens on Broad river, where, on the evening of the sixth, they were joined by Williams with four hundred men. From Williams they learned nearly where Ferguson's party was encamped; and a council of the principal officers decided to go that very night to strike them by surprise. For this end they picked out nine hundred of their best horsemen; at eight o'clock on that same evening the selected men began their march. Riding all night, with the moon two days past its first quarter, on the afternoon of the seventh they were at the foot of King's Mountain.

The little brook that ripples through the narrow valley flows in an easterly direction. The mountain, which rises a mile and a half south of the line of North Carolina, is the termination of a ridge that branches from the north-west to the south-east from a spur of the Alleghanies. The British, in number eleven hundred and twenty-five, of whom one hundred and twenty-five were regulars, were posted on its summit, "confident that they could not be forced from so advantageous a post," to which the approach was precipitously steep, the slaty rock cropping out in craggy cliffs and forming natural breastworks along its sides and on its heights.

The Americans dismounted, and, though inferior in numbers, formed themselves into four columns. A part of Cleaveland's regiment, headed by Major Winston, and Colonel Sevier's regiment, formed a large column on the right. The other part of Cleaveland's regiment, headed by Cleaveland himself, and the regiment of Williams, composed the left wing. The post of extreme danger was assigned to the column formed by Campbell's regiment on the right centre, and Shelby's regiment on the left centre; so that Sevier's right nearly adjoined Shelby's left. The right and left wings were to pass the position of Ferguson, and from opposite sides climb the ridge in his rear, while the two central columns were to attack in front. In this order "the western army" advanced to within a quarter of a mile of the enemy before they were discovered.

The two centre columns, headed by Campbell and Shelby, climbing the mountain, began the attack. Shelby, a man of the hardiest make, stiff as iron, among the dauntless singled out for dauntlessness, went right onward and upward like a man who had but one thing to do, and but the one thought—to do it. The British regulars with fixed bayonets charged Campbell; and his riflemen, who had no bayonets, were obliged to give way for a short distance; but "they were soon rallied by their gallant commander and some of his active officers," and "returned to the attack with additional ardor."

The two columns, with no aid but from a part of Sevier's regiment, kept up a furious and bloody battle with the British for ten minutes, when the right and left wings of the Americans advancing upon their flank and rear, "the fire became general all around." For fifty-five minutes longer the fire on both sides was heavy and almost incessant. The regulars with bayonets could only make a momentary impression. At last the American right wing gained the summit of the eminence, and the position of the British was no longer tenable. Ferguson having been killed, the enemy attempted to retreat along the top of the ridge; but, finding themselves held in check by the brave men of Williams and Cleaveland, Captain Depeyster, the commanding officer of the British, hoisted a flag. The firing immediately ceased; the enemy laid

down their arms and surrendered themselves prisoners at discretion.

The loss of the British on that day was at least eleven hundred and four. Four hundred and fifty-six of them were either killed, or too severely wounded to leave the ground; the number of prisoners was six hundred and forty-eight. On the American side the regiment of Campbell suffered more than any other in the action; the total loss was twenty-eight killed and sixty wounded. Among those who fell was Colonel James Williams of Ninety-Six, a man of an exalted character, of a career brief but glorious. An ungenerous enemy revenged themselves for his virtues by nearly extirpating his family; they could not take away his right to be remembered by his country with honor and affection to the latest time.

Among the captives there were house-burners and assassins. Private soldiers—who had witnessed the sorrows of children and women, robbed and wronged, shelterless, stripped of all clothes but those they wore, nestling about fires kindled on the ground and mourning for their fathers and husbands—executed nine or ten in retaliation for the frequent and barbarous use of the gallows at Camden, Ninety-Six, and Augusta; but Campbell at once intervened, and in general orders, by threatening the delinquents with certain and effectual punishment, secured protection to the prisoners.

Just below the forks of the Catawba the tidings of the defeat reached Tarleton; his party in all haste rejoined Cornwallis. The victory at King's Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the successes at Bennington, changed the aspect of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American army to seek each other and organize themselves anew. It quickened the North Carolina legislature to earnest efforts. It inspirited Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedi-

tion. He had hoped to step with ease from one Carolina to the other, and from these to the conquest of Virginia; and he had now no choice but to retreat.

On the evening of the fourteenth his troops began their march back from Charlotte to the Catawba ford. The men of Mecklenburg and Rowan counties had disputed his advance; they now harassed his foraging parties, intercepted his despatches, and cut off his communications. Soldiers of the militia hung on his rear. Twenty wagons were captured, laden with stores and the knapsacks of the light infantry legion. Single men would ride within gunshot of the retreating army, discharge their rifles, and escape.

The Catawba ford was crossed with difficulty on account of a great fall of rain. For two days the royal forces remained in the Catawba settlement, Cornwallis suffering from fever, the army from want of forage and provisions. The command on the retreat fell to Rawdon. The soldiers had no tents. For several days it rained incessantly. Waters and deep mud choked the roads. At night the army bivouacked in the woods in unwholesome air; sometimes without meat; at others, without bread. Once for five days it lived upon Indian corn gathered from the fields, five ears being the day's allowance for two soldiers. But for the personal exertions of the militia, most of whom were mounted, it would not have been supported. After a march of fifteen days it encamped at Winnsborough, an intermediate station between Camden and Ninety-Six.

All the while Marion had been on the alert. Two hundred tories had been sent in September to surprise him; and with fifty-three men he first surprised a part of his pursuers, and then drove the main body to flight. At Black Mingo, on the twenty-eighth, he made a successful attack on a guard of sixty militia, and took prisoners those who were under its escort. The British were burning houses on Little Pedee, and he permitted his men of that district to return to protect their wives and families; but he would not suffer retaliation, and wrote with truth: "There is not one house burned by my orders or by any of my people. It is what I detest, to distress poor women and children."

"I most sincerely hope you will get at Mr. Marion," wrote Cornwallis on the fifth of November, as he despatched Tarleton in pursuit of him. This officer and his corps set fire to all the houses, and destroyed all the corn from Camden down to Nelson's ferry; he beat the widow of a general officer because she could not tell where Marion was encamped, burned her dwelling, laid waste everything about it, and did not leave her a change of raiment. The line of their march could be traced by groups of houseless women and children, once of ample fortune, sitting round fires in the open air.

As for Marion, after having kept his movements secret and varied his encampment every night, his numbers increased; then selecting a strong post "within the dark morass," he defied an attack. But just at that moment new dangers impended from another quarter.

Sumter had rallied the patriots in the country above Camden, and in frequent skirmishes kept the field. Mounting his partisans, he intercepted British supplies of all sorts, and sent parties within fourteen miles of Winnsborough. Having ascertained the number and position of his troops, Cornwallis despatched a party under Major Wemyss against him. After a march of twenty-four miles with mounted infantry, Wemyss reached Fishdam on Broad river, the camp of General Sumter, and at the head of his corps charged the picket. The attack was repelled; he himself was wounded and taken prisoner. A memorandum was found upon him of houses burned by his command. He had hanged Adam Cusack, a Carolinian, who had neither given his parole, nor accepted protection, nor served in the patriot army; yet his captors would not harm a man who was their prisoner.

The position of the British in the upper country became precarious. Tarleton was suddenly recalled from the pursuit of Marion and ordered to take the nearest path against Sumter, who had passed the Broad river, formed a junction with Clark and Brennan, and threatened Ninety-Six. One regiment was sent forward to join him on his march; another followed for his support. Apprised of Tarleton's approach, Sumter posted himself strongly on the plantation of Blackstock. At five in the afternoon of the twentieth of November, Tarleton drew

near in advance of his light infantry; and with two hundred and fifty mounted men he made a precipitate attack on Sumter's superior force. The hillside in front of the Americans was steep; their rear was protected by the rapid river Tyger; their left was covered by a large barn of logs, between which the riflemen could fire with security. The sixty-third British regiment having lost its commanding officer, two lieutenants, and one third of its privates, Tarleton retreated, leaving his wounded to the mercy of the victor. The loss of Sumter was very small; but, being himself disabled by a severe wound, he crossed the Tyger, taking his wounded men with him.

By the lavish distribution of presents, the Indian agents obtained promises from the chiefs of twenty-five hundred Cherokees, and a numerous body of Creeks, to lay waste the settlements on the Watauga, Holston, Kentucky, and Nolichucky, and even to extend their ravages to the Cumberland and Green rivers, that the attention of the mountaineers might be diverted to their own immediate concerns. Cornwallis gave orders to the reinforcement of three thousand sent by Clinton into the Chesapeake to embark for Cape Fear river. So ended his first attempt to penetrate to Virginia. He was driven back by the spontaneous risings of the southern and south-western people; and the unwholesome exhalations of autumn swept men from every garrison in the low country faster than Great Britain could replace them.

CHAPTER XXVII.

THE RISE OF FREE COMMONWEALTHS.

1780.

FREEDOM is of all races and of all nationalities. It is older than bondage, and ever rises from the enslavements of violence or custom or abuse of power; for the rights of man spring from eternal law, are kept alive by the persistent energy of constant nature, and by their own indestructibility prove their lineage as the children of omnipotence.

In an edict of the eighth of August 1779, Louis XVI. announced "his regret that many of his subjects were still without personal liberty and the prerogatives of property, attached to the glebe, and, so to say, confounded with it." To all serfs on the estates of the crown he therefore gave back their freedom. He had done away with torture, and he wished to efface every vestige of a rigorous feudalism; but he was restrained by his respect for the laws of property, which he held to be the groundwork of order and justice. While the delivering up of a runaway serf was in all cases forbidden, for emancipation outside of his own domains he did no more than give leave to other proprietors to follow his example, to which even the clergy declined to conform. But the words of the king spoken to all France deeply branded the wrong of keeping Frenchmen in bondage to Frenchmen.

In Overyssel, a province of the Netherlands, Baron van der Capellen tot den Pol, the friend of America, sorrowed over the survival of the ancient system of villeinage; and, in spite of the resistance and sworn hatred of almost all the nobles, he, in 1782, brought about its complete abolition.

Here the movement for emancipation during the American revolution ceased for the Old World. "He that says slavery is opposed to Christianity is a liar," wrote Luther, in the sixteenth century. "To condemn slavery is to condemn the Holy Ghost," were the words of Bossuet near the end of the seventeenth. In the last quarter of the eighteenth the ownership of white men by white men still blighted more than the half of Europe. The evil shielded itself under a new plea, where a difference of skin set a visible mark on the victims of commercial avarice, and strengthened the ties of selfishness by the pride of race. In 1780 Edmund Burke tasked himself to find out what laws could check the new form of servitude which wrapt all quarters of the globe in its baleful influences; yet he did not see a glimmering of hope even for an abolition of the trade in slaves, and only aimed at establishing regulations for their safe and comfortable transportation. He was certain that no one of them was ever so beneficial to the master as a freeman who deals with him on equal footing by convention; yet for slave plantations he suggested nothing more than some supervision by the state, and some mitigation of the power of the master to divide families by partial sales. Although for himself he inclined to a gradual emancipation, his code for the negroes was founded on the conviction that slavery was "an incurable evil." He sought no more than to make that evil as small as possible, and to draw out of it some collateral good.

George III. was the firm friend of the slave-trade; and Thurlow, one of his lord chancellors, so late as 1799 insisted that the proposal to terminate it was "altogether miserable and contemptible." Yet the quality of our kind is such that a government cannot degrade a race without marring the nobleness of our nature.

So long as the legislation of the several English colonies in America remained subject to the veto of the king, all hope of forbidding or even limiting the importation of negro slaves was made vain by the mother country. The first American congress formed an association "wholly to discontinue the slave-trade." Jefferson inserted in his draft of the declaration of American independence a denunciation of the slave-trade

and of slavery, but it was rejected by the congress of 1776 in deference to South Carolina and Georgia. The antagonism between the northern and southern states, founded on climate, pursuits, and labor, broke out on the first effort to unite them permanently. When members from the North spoke freely of the evil of slavery, a member from South Carolina answered that, "if property in slaves should be questioned, there must be an end of confederation." In the same month the vote on taxing persons claimed as property laid bare the existence of a geographical division of parties, the states north of Mason and Dixon's line voting compactly on the one side, and those south of that line, which were duly represented, on the other.

The clashing between the two sections fastened the attention of reflecting observers. In August 1778, Gerard, soon after his reception at Philadelphia, reported to Vergennes: "The states of the South and of the North, under existing subjects of division and estrangement, are two distinct parties, which at present count but few deserters. The division is attributed to moral and philosophical causes." He further reported that the cabal against Washington found supporters exclusively in the North.

The French minister desired to repress the ambition of congress for the acquisition of territory, because it might prove an obstacle to connection with Spain; and he found support in northern men. Their hatred of slavery was not an impulse of feeling, but an earnest conviction. No one could declare himself more strongly for the freedom of the negro than Gouverneur Morris of New York, a man of business and a man of pleasure. His hostility to slavery brought him into some agreement with the policy of Gerard, to whom, one day in October, he said that Spain would have no cause to fear the great body of the confederation, for reciprocal jealousy and separate interests would never permit its members to unite against her; that several of the most enlightened of his colleagues were struck with the necessity of establishing a law "de coercendo imperio," setting bounds to the American empire; that the provinces of the South already very much weakened the confederation; that further extension on that side would im-

measurably augment this inconvenience; that the South was the seat of wealth and of weakness; that the poverty and vigor of the North would always be the safeguard of the republic; that on the side of the North lay the necessity to expand and to gain strength; that the navigation of the Mississippi below the mouth of the Ohio should belong exclusively to Spain, as the only means of retaining the numerous population which would be formed between the Ohio and the lakes; that the inhabitants of these new and immense countries, be they English or be they Americans, having the outlet of the river St. Lawrence on the one side and that of the Mississippi on the other, would be in a condition to domineer over the United States and over Spain, or to make themselves independent—that on this point there was, therefore, a common interest. Some dread of the relative increase of the South may have mixed with the impatient earnestness with which two at least of the New England states demanded the acquisition of Nova Scotia as indispensable to their safety, and therefore to be secured at the pacification with England. The leader in this policy was Samuel Adams, whom the French minister always found in his way.

The several states employed black men as they pleased; it was the rule that the slave who served in the ranks was enfranchised by the service. When, in March 1779, congress recommended Georgia and South Carolina to raise three thousand active, able-bodied negro men, the recommendation was coupled with a promise of "a full compensation to the proprietors of such negroes for the property."

So long as Jefferson was in congress, he kept Virginia and Massachusetts in a close and unselfish union, of which the unanimous assertion of independence was the fruit. When he withdrew to service in his native commonwealth, their friendship lost something of its disinterestedness. Virginia manifested its discontent by successive changes in its delegation, and the two great states came more and more to represent different classes of culture and ideas and interests.

In 1779, when the prosperity of New England was thought to depend on the fisheries, and when its pathetic appeals, not unmingled with menaces, had been used prodigally and without effect, Samuel Adams said rashly that "it would become

more and more necessary for the two empires to separate." On the other hand, when the North offered a preliminary resolution that the country, even if deserted by France and Spain, would continue the war for the sake of the fisheries, four states read the draft of a definitive protest.

In the assertion of the sovereignty of each separate state there was no distinction between North and South. Massachusetts expressed itself as absolutely as South Carolina. As a consequence, the confederation could contain no interdict of the slave-trade, and the importation of slaves would therefore remain open to any state according to its choice. When, on the seventeenth of June 1779, a renunciation of the power to engage in the slave-trade was proposed as an article to be inserted in the treaty of peace, all the states, Georgia alone being absent, refused the concession by the votes of every member except Jay and Gerry.

Luzerne, the French envoy who succeeded Gerard, soon came to the conclusion that the confederacy would run the risk of an early dissolution, if it should give itself up to the hatred which began to show itself between the North and South.

Vermont, whose laws from the first rejected slavery, knocked steadily at the door of congress to be taken in as a state, and Washington befriended its desire. In August 1781 its envoys were present in Philadelphia, entreating admission. New York gave up its opposition; but the states of the South held that the admission of Vermont would destroy "the balance of power" between the two sections of the confederacy and give the preponderance to the North. The idea was then started that the six states south of Mason and Dixon's line should be conciliated by a concession of a seventh vote which they were to exercise in common; but the proposal, though it formed a subject of conversation, was never brought before congress; and Vermont was left to wait till a southern state could simultaneously be received into the union.

In regard to the foreign relations of the country, congress was divided between what the French envoy named "Gallicans" and "anti-Gallicans:" the southerners were found more among the "Gallicans;" the North was suspected of a partiality for England.

There was no hope of the delivery of the country from slavery by congress. But man can never override natural law, and in the high court of the Eternal Providence justice forges her weapon long before she strikes. Nowhere was slavery formally established in the organic law as a permanent social relation; the courts of Virginia did not recognise a right of property in the future increase of slaves; in no one state did its constitution abridge the power of its legislature to abolish slavery. In no one constitution did the words "slave" and "slavery" find a place except in that of Delaware, and there only by way of a prohibition of bringing slaves into the state.

In the North the severity of the climate, the poverty of the soil, and the all-pervading habit of laborious industry among its people, set narrow limits to slavery; in the states nearest the tropics it throve luxuriously, and its influence entered into their inmost political life. Virginia, with soil and temperature and mineral wealth inviting free and skilled labor, yet with lowland where the negro attained his perfect physical development, stood as mediator between the two. Many of her statesmen—George Mason, Patrick Henry, Jefferson, Wythe, Pendleton, Richard Henry Lee—emulated each other in confessing the iniquity and the inexpediency of holding men in bondage. We have seen the legislature of colonial Virginia in 1772, in their fruitless battle with the king respecting the slave-trade, of which he was the great champion, demand its abolition as needful for their happiness and their very existence. In January 1773, Patrick Henry threw ridicule on the clergy of Virginia for their opposition to emancipation. In the same year George Mason foretold the blight that was to avenge negro slavery. When the convention of Virginia adopted their declaration of rights as the foundation of government for themselves and their posterity, they set forth that all men are by nature equally free and have inherent rights to the enjoyment of life and liberty, the means of acquiring property and pursuing happiness; yet this authoritative proclamation of the equal rights of all men brought no relief to the enslaved.

In 1778, Virginia prohibited what under the supremacy of England she could not have prohibited—the introduction of

any slave by land or sea, and ordered the emancipation of every slave introduced from abroad. But the bill respecting resident slaves, prepared by the commissioners for codifying the laws, was a mere digest of existing enactments. Its authors agreed in wishing that the assembly might provide by amendment for universal freedom; and it is the testimony of Jefferson that, with the concurrence of himself, Pendleton, and Wythe, an amendatory bill was prepared "to emancipate all slaves born after passing the act;" but the proposal was blended with the idea of their deportation, and nothing came of it. The statute drafted by Jefferson, and in 1779 proposed by Mason, to define who shall be citizens of Virginia, declared the natural right of expatriation in opposition to the English assertion of perpetual allegiance, and favored naturalization; but it confined the right of expatriation and citizenship to white men.

In 1780, Madison expressed the wish that black men might be set free and then made to serve in the army. This was often done by individuals; but, before the end of the same year, Virginia offered a bounty, not of money and lands only, but of a negro, to each white man who would enlist for the war.

In May 1782, just thirteen years after Jefferson had brought in a bill giving power of unconditional emancipation to the masters of slaves, the measure was adopted by the legislature of Virginia. Under this act more slaves received their freedom than were liberated in Pennsylvania or in Massachusetts. Even had light broken in on Jefferson's mind through the gloom in which the subject was involved for him, Virginia would not have accepted from him a plan for making the state a free commonwealth; but there is no evidence that he ever reconciled himself to the idea of emancipated black men living side by side with white men as equal sharers in political rights and duties and powers. The result of his efforts and reflections he uttered in these ominous forebodings: "Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government." In the helplessness of despair, Jefferson, so early as 1782, dismissed the problem from his thoughts with these words: "I tremble for my country when I reflect that God is just, that his justice

cannot sleep forever. The way, I hope, is preparing, under the auspices of heaven, for a total emancipation." At that time Washington was a kind and considerate master of slaves. By slow degrees the sentiment grew up in his mind that to hold men in bondage was a wrong; that Virginia should proceed to emancipation by general statute of the state; and that, if she refused to do so, each individual should act for his own household.

Delaware, which, on the twentieth of September 1776, adopted its constitution as an independent state, had, in proportion to its numbers, excelled all in the voluntary emancipation of slaves. Its constitution absolutely prohibited the introduction of any slave from Africa, or any slave for sale from any part of the world, as an article which "ought never to be violated on any pretence whatever."

In the constituent convention of New York, Gouverneur Morris struggled hard for measures tending to abolish domestic slavery, "so that in future ages every human being who breathed the air of the state might enjoy the privileges of a freeman." The proposition, though strongly supported, especially by the interior and newer counties, was lost by the vote of the counties on the Hudson. Jay lamented the want of a clause against the continuance of domestic slavery. Still, the declaration of independence was incorporated into the constitution of New York; and all its great statesmen were opposed to slavery. All parts of the common law, and all statutes and acts repugnant to the constitution, were abrogated and repealed by the constitution itself.

It has already been narrated that, in 1777, the people of Vermont, in separating themselves from the jurisdiction of New York, framed a constitution which prohibited slavery.

In July 1778, William Livingston, the governor of New Jersey, invited the assembly to lay the foundation for the manumission of the negroes. At the request of the house, which thought the situation too critical for the immediate discussion of the measure, the message was withdrawn. "But I am determined," wrote the governor, "as far as my influence extends, to push the matter till it is effected, being convinced that the practice is utterly inconsistent with the principles of

Christianity and humanity; and in Americans, who have almost idolized liberty, peculiarly odious and disgraceful." Of the two Jerseys, slavery had struck deeper root in the East from the original policy of its proprietaries; the humane spirit of the Society of Friends ruled opinion in West Jersey.

The name of Pennsylvania was dear throughout the world as the symbol of freedom; her citizens proved her right to her good report by preparing to abolish slavery. The number of their slaves had grown to be about six thousand, differing little from the number in Massachusetts, and being in proportion to the whole population much less than in New York or in New Jersey. The fourteenth of April 1775 was the day of founding the Pennsylvania society for the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race. In 1777, in the heads of a bill proposed by the council, a suggestion was made for ridding the state of slavery. The retreat of the British from Philadelphia, and the restoration to Pennsylvania of peace within its borders, called forth in its people a sentiment of devout gratitude. Under its influence, George Bryan, then vice-president, in a message to the assembly of the ninth of November 1778, pressed upon their attention the bill proposed in the former year for manumitting infant negroes born of slaves, and thus in an easy mode abrogating slavery, the opprobrium of America. "In divesting the state of slaves," said Bryan, "you will equally serve the cause of humanity and policy, and offer to God one of the most proper and best returns of gratitude for his great deliverance of us and our posterity from thraldom; you will also set your character for justice and benevolence in the true point of view to all Europe, who are astonished to see a people struggling for liberty holding negroes in bondage."

On becoming president of the executive council of Pennsylvania, Joseph Reed, speaking for himself and the council, renewed the recommendation to abolish slavery gradually and to restore and establish by the law in Pennsylvania the rights of human nature. In the autumn of 1779, George Bryan had been returned as a member of the assembly. In the committee to which on his motion the subject was referred, he pre-

pared a new preamble and the draft of the law for gradual emancipation; and, on the twenty-ninth of February 1780, it was adopted by a vote of thirty-four to twenty-one. So Pennsylvania led the way toward introducing freedom for all. "Our bill," wrote George Bryan to Samuel Adams, "astonishes and pleases the Quakers. They looked for no such benevolent issue of our new government, exercised by Presbyterians."

The constitution of South Carolina of 1778 contained no bill of rights, and confined political power exclusively to white men; from the settlement of the state, slavery formed a primary element in its social organization. When Governor Rutledge in 1780 came to Philadelphia, he reported that the negroes offered up their prayers in favor of England, in the hope that she would give them a chance to escape from slavery. But British officers, regarding negroes as valuable spoil, defeated every plan for employing them as soldiers on the side of England. In 1769, George III. in council "gave his consent to an act of Georgia whereby slaves may be declared to be chattels;" and the war of the revolution made no change in their condition by law.

The Puritans of Massachusetts permitted slavery by law. Negroes trained with the rest in the ranks, certainly from 1651 to 1656. Cases occurred where laws on marriage, adultery, and divorce were applied to them; and where they were allowed, like others, to give their testimony, even in capital cases. Color was no disqualification to the exercise of suffrage. At the opening of the revolution William Gordon, the Congregationalist minister of Roxbury, though he declined to "unsaint" every man who still yielded to the prevailing prejudice, declared with others against perpetuating slavery, and, in November 1776, published in the "Independent Chronicle," a newspaper in Boston, a plan sent from Connecticut for its gradual extermination out of that colony. In the same month and in the same newspaper "a Son of Liberty" demanded the repeal of all laws supporting slavery, because they were "contrary to sound reason and revelation." In January 1777, seven negro slaves joined in petitioning the general court "that they might be restored to that freedom which is

the natural right of all men, and that their children might not be held as slaves after they arrive at the age of twenty-one years." This petition was referred to a very able committee, on which are the names of Sergeant and John Lowell, both zealous for the abolition of slavery; and Lowell was then the leading lawyer in the state.

In May 1777, just before the meeting of the general court at Boston, Gordon, finding in the multiplicity of business its only apology for not having attended to the case of slaves, asked for a final stop to the public and private sale of them by an act of the state. Clothing the argument of Montesquieu in theological language, he said: "If God hath made of one blood all nations of men for to dwell on the face of the earth, I can see no reason why a black rather than a white man should be a slave." A few weeks later the first legislature elected in Massachusetts after the declaration of independence listened to the second reading of a bill which declared slavery "without justification in a government of which the people are asserting their natural rights to freedom," and had for its object "to fix a day on which all persons above twenty-one years of age then held in slavery should be free and entitled to all the rights, privileges, and immunities that belong to any of the subjects of this state." A committee was directed to take the opinion of congress on the subject, but no answer from congress appears on record, nor any further consideration of the bill by the Massachusetts legislature.

Hancock, in his presidency, had shown proclivities to the South. When, on his resignation in October, a motion was made to give him the thanks of congress for his impartiality in office, the three northernmost states of New England voted in the negative, while the South was unanimous in his favor. After his arrival in Boston, the two branches of the general court saw fit to form themselves into a constituent convention, for which some of the towns had given authority to their representatives. In the winter session of 1778 the draft of a plan of government was considered. One of the proposed clauses took from Indians, negroes, and mulattoes the right to vote. Against this disfranchisement was cited the example of Pennsylvania. "Should the clause not be reprobated by the con-

vention," said an orator, "I still hope that there will be found among the people at large virtue enough to trample under foot a form of government which thus saps the foundation of civil liberty and the rights of man."

On the submission of the constitution to the people, objections were made that it contained no declaration of rights; that it gave the governor and lieutenant-governor seats in the senate; that it disfranchised the free negro, a partiality warmly denounced through the press by the historian, Gordon. There was, moreover, dissatisfaction with the legislature for having assumed constituent powers without authority from the people. Boston, while it recommended a convention for framing a constitution, gave its vote unanimously against the work of the legislature; and the commonwealth rejected it by a vote of five to one.

The history of the world contained no record of a people which in the institution of its government moved with the caution which marked the next proceedings of Massachusetts. In February 1779, the legislature of the year asked their constituents whether they desired a new form of government; and, a large majority of the inhabitants of the towns voting in the affirmative, a convention of delegates was, in conformity to a law, elected for the sole purpose of forming a constitution. On the first day of September the convention thus chosen came together in the meeting-house of Cambridge. Their forefathers, in their zeal against the Roman superstition, had carried their reverence of the Bible even to idolatry; and some of them, like Luther, found in its letter a sanction for holding slaves. On the other hand, from principle and habit, they honored honest labor in all its forms. The inconsistencies of bondage with the principle of American independence lay in the thoughts of those who led public opinion; voices against it had come from Essex, from Worcester, from Boston, and from the western counties.

The first act of the constituent body was "the consideration of a declaration of rights;" and then they resolved unanimously "that the government to be framed by this convention for the people of Massachusetts Bay shall be a FREE REPUBLIC." This resolution was deemed so important that liberty was re-

served for the members of a committee who were absent to record their votes upon it; and on the next morning they declared "their full and free assent." A committee of thirty, composed for the commonwealth at large and for each county excepting the unrepresented counties of Dukes and Nantucket, was appointed to prepare a declaration of rights and the form of a constitution; but the house itself continued its free conversation on these subjects till sunset of the sixth of September. The next day it adjourned for more than seven weeks, that its committee might have time to transact the important business assigned them.

On the thirteenth of September the committee assembled at the new court-house in Boston. Among them were Bowdoin, who was president of the convention; Samuel Adams; John Lowell; Jonathan Jackson of Newburyport, who thought that the liberty which America achieved for itself should prevail without limitation as to color; Parsons, a young lawyer of the greatest promise, from Newburyport; and Strong of Northampton. John Adams had arrived opportunely from France, to which he did not return till November, and brought together in form and order the separate clauses of the constitution as they came from the convention. There are no means of distributing its parts to their several authors with certainty. No one was more determined for two branches of the legislature with a veto in the governor than John Adams. To him as much as to any other may be ascribed the complete separation of both branches from appointments to office. To Bowdoin was due the form of some of the sections which were most admired.

On the afternoon of the twenty-eighth of October the committee appointed to prepare a form of government reported a draft of a constitution; and on the next day the convention adopted the first article of a declaration of rights, which was couched almost in the words of the constitution of Virginia: "All men are born free and equal, and have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness." The lawyers of Virginia had not considered this

declaration as of itself working the emancipation of negro slaves; the men of Massachusetts, in deciding how many of their old laws should remain in full force, excepted those parts which were "repugnant to the rights and liberties contained in this constitution."

As the delegates gave the closest attention to every line and word in the constitution, this clause did not come up for consideration till the last day of January 1780, in an adjourned session. Roads having been made for a time impassable by deep snows, there were still many absentees; and, though a quorum was present, the consideration of this question was from its importance deferred. For a month, therefore, other clauses were discussed and settled; and then in a full convention, after deliberation and amendment, this most momentous article of all was adopted. So calm and effortless was the act by which slavery fell away from Massachusetts. Its people wrought with the power of nature, without violence or toil, achieving its will through the might of overruling law. There is in us and around us a force tending to improvement, which we can work with, but can never destroy. The manner in which Massachusetts left slavery behind was the noblest that could have been devised. The inborn, inalienable right of man to freedom was written in the permanent constitution as the law of all coming legislation. The highest voice of morality speaks to the whole universe of moral being, and utters for all its one inflexible command. When by its all-persuasive force the men of Massachusetts abolished slavery, the decision had the character of primal justice and the seal of undying authority.

In an able address to their constituents, the delegates explained the grounds on which their decisions rested, and called on them in their several towns and plantations to judge "whether they had raised their superstructure upon the principles of a FREE COMMONWEALTH." Reassembling on the first Wednesday in June, they found that the male inhabitants of twenty-one years and upward had ratified the new constitution, and they chose the last Wednesday in October for the time on which it should take effect.

At the coming in of the twenty-fifth day of October 1780, Massachusetts became in truth a FREE COMMONWEALTH. Its

people shook slavery from its garments as something that had never belonged to it. The colored inhabitants, about six thousand in number, or one in seventy of the population, became fellow-citizens; and, if any of them possessed the required qualifications of age, residence, and property, their right to vote admitted of no question.

The law of Massachusetts which established slavery had not enumerated birth as one of its grounds, and many citizens of the state were accustomed to say that hereditary bondage had never existed in the land by law. The question whether the new constitution had surely abrogated slavery came before the courts within less than seven months after the constitution was established. In Barre, a town of Worcester county, Quaco Walker, in April 1781, left the service of Nathaniel Jennison, his old master, and found refuge and employment with John and Seth Caldwell. Jennison reclaimed him as a slave, beating him with a stick and imprisoning him for two hours. Two civil suits ensued. Quaco brought an action against Jennison, his former master, for assault; and Jennison, the master, brought an action against the Caldwells, who had given refuge and employment to the runaway, for depriving him of Quaco's services. The civil suits were brought, in June, before the county court of common pleas, whose members were selected from the justices of peace for the county, and so were the natural exponents of the feeling and judgment of the land. Not one of them was a lawyer. Moses Gill, the chief justice, was brought up to be a shopkeeper, and had been one; Samuel Baker, one of the associates, was a farmer in Berlin; Joseph Dorr, the other, was a farmer in Mendon, and in the late state convention had served on the committee for framing the bill of rights. In the first case the verdict of the jury declared the negro to be a freeman, and assessed the damages which he had sustained at fifty pounds. An appeal to the supreme judicial court of the commonwealth was taken. In the suit of Jennison against the Caldwells, Jennison obtained a verdict in his favor, and a judgment for twenty-five pounds. The Caldwells appealed to the supreme judicial court, which was to hold a term at Worcester in the following September. The judges

of the supreme court, who were present at Worcester in September 1781, and heard the appeal of the Caldwells, were James Sullivan, Nathaniel Peaslee Sargeant, and David Sewall, every one of whom had been members of the convention which framed the constitution of Massachusetts; and Sullivan, who was a man of superior ability and character, and Sewall, had been on the committee which framed the declaration of rights. The Caldwells had engaged for their counsel Caleb Strong of Northampton and Levi Lincoln of Worcester, of whom both had been members of the state convention, and Strong had been one of the committee for framing the bill of rights. They argued that Jennison could have no claim to the labor of Quaco Walker, because by the new constitution he was certainly a free man, owing compulsory labor to no one; that laws of the state which derogate from the rights recognised by the common law are to be strictly construed; and that a law upholding slavery is contrary to the constitution of Massachusetts as well as to the laws of nature.* The decision of the court of common pleas was reversed by the supreme judicial court, and the reversal was founded on the clause of the constitution that "all men are born free and equal." This was the first action involving the right of the master which came before the supreme judicial court of Massachusetts after the establishment of the constitution, and the judges declared, as their successors have uniformly reaffirmed, that, by virtue of the first article of the declaration of rights, slavery in Massachusetts became extinct.

But another danger opened upon the would-be slave-holder at this session of the supreme court in September 1781; on the presentment of the grand jury of the county of Worcester, Jennison was indicted for beating and imprisoning Quaco Walker against the peace and dignity of the commonwealth. Jennison, in June 1782, laid his griefs before the legislature of Massachusetts. He received little comfort at their hands, for the first principle on which the house of representatives, in its later session, ordered a bill to be brought in for the relief of the old slave-holders was a declaration that "there never were legal slaves in this government." A bill on that principle, and

* Lincoln's brief in Mass. Hist. Soc. Proceedings for May 1857, p. 198.

yet as a matter of expediency offering some indemnity to those masters who had held slaves, passed the house, but in the senate was only read once.

In the month of April 1783, the indictment of Jennison, presented by the grand jury of Massachusetts, was brought to trial before the supreme court of the commonwealth. William Cushing, the chief justice, afterwards for many years an associate justice of the supreme court of the United States, presided at the trial, with Sargeant, Sewall, and Increase Sumner as his associates. They all, and Robert Treat Paine, the attorney-general who had prepared the indictment, had been members of the convention which framed the constitution, and Cushing and Sewall and the attorney-general had been of the committee which framed the declaration of rights. In submitting the case to the jury, the charge of the chief justice was: "As to the doctrine of slavery and the right of Christians to hold Africans in perpetual servitude, whatever sentiments have formerly prevailed in this particular, or slid in upon us by the example of others, a different idea has taken place with the people of America more favorable to the natural rights of mankind, and to that natural innate desire of liberty with which heaven, without regard to color, complexion, or shape of features, has inspired all the human race. And upon this ground our constitution of government, by which the people of this commonwealth have solemnly bound themselves, sets out with declaring that all men are born free and equal, and that every subject is entitled to liberty, and to have it guarded by the laws, as well as life and property—and, in short, is totally repugnant to the idea of being born slaves. This being the case, I think the idea of slavery is inconsistent with our own conduct and constitution; and there can be no such thing as perpetual servitude of a rational creature, unless his liberty is forfeited by some criminal conduct or given up by personal consent or contract." *

The jury upon their oath did say that Nathaniel Jennison

* The case of Nathaniel Jennison for attempting to hold a negro as a slave in Massachusetts in 1781, from the minutes of Chief Justice Cushing, with a note by Horace Gray, then chief justice of Massachusetts, in the Proceedings of the Mass. Hist. Soc. for April, 1874.

was guilty, and the court ordered him to pay a fine of forty shillings and cost of prosecution.

As to the rights of conscience, it was agreed that "religion must at all times be a matter between God and individuals;" yet all were excluded from office who believed that a foreign prelate could have a dispensing power within the commonwealth, and who would not "disclaim those principles of spiritual jurisdiction which are subversive of a free government established by the people." The legislature and magistrates were charged to cherish literature and the sciences, and all seminaries of them, especially the university at Cambridge, public schools, and grammar schools in the towns. The constitution was marked by the effort at a complete separation of the executive, legislative, and judicial powers, that it might be a government of laws and not of men. "For a power without any restraint," said the convention, "is tyranny."

"The constitution of Massachusetts," wrote Count Matthieu Dumas, one of the French officers who served in America, "is perhaps the code of laws which does most honor to man."

As if to leave to the world a record of the contrast between the contending systems of government for colonists, the British ministry, simultaneously with the people of Massachusetts, engaged in forming its model. The part of Massachusetts between the river Saco and the St. Croix was constituted a province, under the name of New Ireland. The system adopted for Quebec and for East Florida was to receive in the New England province its full development. The marked feature of the constitution was the absolute power of the British parliament; and, to make this power secure for all coming time, every landlord on acquiring land, whether by grant from the crown, or by purchase, or by inheritance, was bound to make a test declaration of allegiance to the king in his parliament, as the supreme legislature of the province. The attorney and solicitor general of Great Britain were to report what of the laws of England would of their own authority take effect in the province, and what acts of parliament the king might introduce by his proclamation. "It has been found," said the state paper, "by sad experience, that the democratic power is predominant in all parts of British America." "To

combat the prevailing disposition of the people to republicanism," there was to be by the side of the governor and council no elective assembly until the circumstances of the province should admit of it; but a middle branch of legislature, of which every one of the members was to be named by the crown; to be distinguished by titles or emoluments or both; and, though otherwise appointed for life, to remain ever liable to be suspended or removed by royal authority.

The lands were to be granted in large tracts, so that there might be great landlords and a tenantry. The church of England was to be the established church; the country to be divided into parishes, each with a glebe land; and the governor, the highest judge in the ecclesiastical court, to present to all benefices. A vicar-general with a power to ordain was to open the way for a bishop. No provision was made for schools or the education of the people. This constitution was approved by the cabinet on the tenth of August 1780, and on the next day by the king.

Here were the two models side by side. The one would have organized self-government, the other arbitrary rule; the one a people of freeholders, the other of landlords and tenants; the one public worship according to the conscience and faith of individuals, the other a state religion subordinate to temporal power; the one education of all the people, the other indifference to their culture.

It remains to be related that in April of the year 1780 the Methodists of the United States, at their eighth conference, voted "slave-keeping hurtful to society and contrary to the laws of God, man, and nature."

CHAPTER XXVIII.

THE COMPLOT OF SIR HENRY CLINTON AND ARNOLD.

1780.

Desultory movements of the British and American troops in the North during the winter of 1780 were baffled by unwonted cold and deep snows. The Hudson and the East river were covered with solid ice, but Knyphausen provided for the safety of New York by forming battalions of the loyal inhabitants and refugees. In May the continental troops between the Chesapeake and Canada amounted only to seven thousand men; in the first week of June, those under the command of Washington, present and fit for duty, numbered but three thousand seven hundred and sixty, and these congress could neither pay nor supply with food.

On the twenty-eighth of May the official report of the surrender of Charleston was received. The refugees insisted that the men of New Jersey, weary of compulsory requisitions of supplies, longed to return to their old form of government; and English generals reported so great disaffection among the starved and half-clothed American officers and men that one half of them would desert to the English and the other half disperse. The moment seemed opportune for setting up the royal standard in New Jersey. Strengthening the post at King's Bridge, and leaving only three regiments in New York, Knyphausen formed nineteen regiments into three divisions under Robertson, Tryon, and Stachenberg, with an advanced guard under General Matthews. Of artillery he took eight pieces.

The army of Washington was encamped at Morristown. On the east of the Passaic, the Jersey brigade under General

Maxwell was stationed at Connecticut Farms, and three hundred of the Jersey militia occupied Elizabethtown. On the sixth of June the British landed at Elizabethtown Point. The brigadier who commanded the vanguard was early wounded and disabled. Seven hours were lost in bridging a marsh which stopped their way. On the morning of the seventh the American militia, under Colonel Dayton, having had timely warning, retired from Elizabethtown; but, with the aid of the country people who flew to arms, and of small patrolling parties of continental troops, they harassed the British all the way on their march of five or six miles to Connecticut Farms. James Caldwell, the Presbyterian minister of that place, was known to have inspired his people with his own patriotic zeal. A British soldier fired through the window of the room where Caldwell's wife was sitting with her children, one of them a nursling, and shot her fatally through the breast. Scarcely was time allowed to remove the children and the corpse from the house when it was set on fire. The Presbyterian church and the houses and barns of the village were burnt down. In the winter the Presbyterian church of Newark had been destroyed in the same way.

From Connecticut Farms, Maxwell, with a remnant of a brigade, retreated to strong ground near Springfield, where he awaited and repelled repeated attacks made by Colonel Wurmb with a Hessian regiment which lost more than fifty killed or wounded. An English brigade which arrived found Washington and his army formed in front of them on ground of his own choice. Knyphausen, though his army outnumbered the Americans two to one, declined to attack; and at nine o'clock in the evening he began a retreat to Elizabethtown Point. An American detachment, sent at break of day in pursuit, drove the twenty-second English regiment out of Elizabethtown and returned without being molested. The commander-in-chief, in general orders, commended the conduct of all who took part in resisting Knyphausen, and said: "Colonel Dayton merits particular thanks."

At this time a committee from congress was in the American camp, to whom Washington explained the hardships of his condition. Congress had accomplished nothing for the relief

or reinforcement of his army, and could not tell how far the several states would comply with the requisitions made on them. While awarding liberal praise to the militia of New Jersey, Washington renewed to the committee his constant plea for regular troops: "Perseverance in enduring the rigors of military service is not to be expected from those who are not by profession obliged to it. Our force, from your own observation, is totally inadequate to our safety."

On the nineteenth of June, two days after his return to New York, Clinton repaired to New Jersey. He had at his disposition nearly four times as many regular troops as were opposed to him; but he fretted at "the move in Jersey as premature," and what he "least expected." With civil words to the German officers, he resolved to give up the expedition; but he chose to mask his retreat under the form of a military manœuvre.

Troops sent up the Hudson river, as if to take the Americans in the rear, induced Washington to move his camp to Rockaway bridge, confiding the post at Short Hills to two brigades under the command of Greene. Early on the twenty-third the British advanced in two compact divisions from Elizabethtown Point to Springfield. The column on the right had to ford the river before they could drive Major Lee from one of the bridges over the Passaic. At the other, Colonel Angel with his regiment held the left column in check for about forty minutes. Greene prepared for action; but the British chief, though his army was drawn up and began a heavy cannonade, had no design to give battle; and at four in the afternoon, after burning the houses in Springfield, ordered its return. All the way back to Elizabethtown it was annoyed by an incessant fire from American skirmishers and militia. Its total loss is not known; once more the Hessian yagers lost fifty in killed or wounded, among the latter one colonel, two captains, and a lieutenant. From Elizabethtown Point it crossed to Staten Island by a bridge of boats, which at midnight was taken away. Clinton was never again to have so good an opportunity for offensive operations as that which he then rejected.

On the return of d'Estaing to France, he urged the French ministry to send twelve thousand men to the United States, as

the best way of pursuing the war; and Lafayette had given the like advice to Vergennes, with whom he had formed relations of friendship. The cabinet adopted the measure in its principle, but vacillated as to the number of the French contingent. For the command, Count de Rochambeau was selected, not by court favor, but from the esteem in which he was held in the French army. On the tenth of July, Admiral de Ternay with a squadron of ten ships-of-war, three of them ships of the line, convoyed the detachment of about six thousand men with Rochambeau into the harbor of Newport. To an address from the general assembly of Rhode Island, then sitting in Newport, the count answered: "The French troops are restrained by the strictest discipline; and, acting under General Washington, will live with the Americans as their brethren. I assure the general assembly that, as brethren, not only my life, but the lives of the troops under my command, are entirely devoted to their service." Washington in general orders desired the American officers to wear white and black cockades as a symbol of affection for their allies.

The British fleet at New York having received a large reinforcement, so that it had now a great superiority, Sir Henry Clinton embarked about eight thousand men for an expedition to Rhode Island. Supported by militia from Massachusetts and Connecticut, the French longed for the threatened attack; but the expedition proceeded no farther than Huntington bay in Long Island, where it idled away several days, and then returned to New York. Of the incapacity of Arbuthnot, the admiral, Clinton sent home bitter complaints, which were little heeded, for he was himself thought unequal to his position. The sixth summer during which the British had vainly endeavored to reduce the United States was passing away, and after the arrival of French auxiliaries the British commander-in-chief was more than ever disheartened.

On the twenty-fifth of August, Clinton, knowing well that he had in Cornwallis a favored rival eager to supplant him, reported officially from New York: "At this new epoch in the war, when a foreign force has landed and an addition to it is expected, I owe to my country, and I must in justice to my own fame declare, that I become every day more sensible

of the utter impossibility of prosecuting the war in this country without reinforcements. The revolutions fondly looked for by means of friends to the British government I must represent as visionary. The accession of friends, without we occupy the country they inhabit, is but the addition of unhappy exiles to the list of pensioned refugees. A glance at the returns of the army divided into garrisons and reduced by casualties on the one part, with the consideration of the task yet before us on the other, would renew the too just reflection that we are by some thousands too weak to subdue this formidable rebellion." Yet for the moment the only regiments sent to the United States were three to reinforce Lord Cornwallis.

Hopeless of success in honorable warfare, Clinton stooped to fraud and corruption. While Arnold held the command in Philadelphia, his extravagant mode of living tempted him to peculation and treasonable connections. In the course of the winter of 1778 to 1779 he was taken into the pay of Clinton, to whom he gave intelligence on every occasion; and toward the end of February 1779 he let it be known to the British commander-in-chief that he was desirous of exchanging the American service for that of Great Britain. His open preference for the friends of the English in Pennsylvania disgusted the patriots. The council of that state, after bearing with him for more than half a year, very justly desired his removal from the command; and, having early in 1779 given information of his conduct, against their intention they became his accusers. The court-martial, before which he was arraigned on charges that touched his honor and integrity, dealt with him leniently, and sentenced him only to be reprimanded by the commander-in-chief. The reprimand was marked with the greatest forbearance. The French minister, to whom Arnold applied for money, put aside his request and added wise and friendly advice.

The plot received the warmest encouragement from Lord George Germain, who, toward the end of September 1779, wrote to Clinton: "Next to the destruction of Washington's army, the gaining over officers of influence and reputation among the troops would be the speediest means of subduing the rebellion and restoring the tranquillity of America. Your

commission authorizes you to avail yourself of such opportunities, and the expense will be cheerfully submitted to."

In 1780 the command at West Point needed to be changed. Acting in concert with the British general and supported by the New York delegation in congress, Arnold, pleading his wounds as an excuse for declining active service, solicited and obtained orders to that post which included all the American forts in the Highlands. Sir Henry Clinton entered with all his soul into the ignoble plot. A correspondence of two months ensued between him and Arnold, through Major John André, adjutant-general of the army in North America. On the thirtieth of August, Arnold, insisting that the advantages which he expected to gain for himself by his surrender were "by no means unreasonable" and requiring that his conditions should "be clearly understood," laid a plan for an interview at which a person "fully authorized" was to "close with" his proposals.

The rendezvous was given by him within the American lines, where Colonel Sheldon held the command; and that officer was instructed to expect the arrival "at his quarters of a person in New York to open a channel of intelligence." On the same day André, disguising his name, wrote to Sheldon from New York, by order of Clinton: "A flag will be sent to Dobb's Ferry on Monday next, the eleventh, at twelve o'clock. Let me entreat you, sir, to favor a matter which is of so private a nature that the public on neither side can be injured by it. I trust I shall not be detained, but I would rather risk that than neglect the business in question, or assume a mysterious character to carry on an innocent affair and get to your lines by stealth." To this degree did the British commander-in-chief prostitute his word and a flag of truce. The letter of André being forwarded to Arnold, he "determined to go as far as Dobb's Ferry and meet the flag." As he was approaching the vessel in which André came up the river, the British guard-boats, whose officers were not in the secret, fired upon his barge and prevented the interview.

Clinton became more eager in the project, for of a sudden he gained an illustrious assistant. At the breaking out of the war between France and England, Sir George Rodney, a Brit-

ish naval officer, chanced to be detained in Paris by debt; but the aged Marshal de Biron advanced him money to set himself free, and he hastened to England to ask employment of the king. He was devoted to no political party; he reverenced the memory of Chatham, and yet held the war against the United States to be just. A man of action, quick-sighted, great in power of execution, he was the very officer whom a wise government would employ, and whom by luck the British admiralty of that day, tired of the Keppels and the Palisers, the mutinous and the incompetent, put in command of the expedition that was to relieve Gibraltar and rule the seas of the West Indies. One of the king's younger sons served on board his fleet as midshipman. He took his squadron to sea on the twenty-ninth of December 1779. On the eighth of January 1780, he captured seven vessels of war and fifteen sail of merchant-men. On the sixteenth he encountered off Cape St. Vincent the Spanish squadron of Languara, very inferior to his own, and easily took or destroyed a great part of it. Having victualled the garrison of Gibraltar and relieved Minorca, on the thirteenth of February he set sail for the West Indies. At St. Lucia he received letters from his wife, saying: "Everybody is beyond measure delighted as well as astonished at your success;" from his daughter: "Everybody almost adores you, and every mouth is full of your praise; come back when you have done some more things in that part of the world you are in now."

The thanks of both houses of parliament reached him at Barbados. In April and May, Rodney had twice or thrice encounters with the French fleet of Admiral Guichen, and with such success that in a grateful mood the British parliament thanked him once more. Yet he did not obtain a decided superiority in the West Indian seas, and he reported to the admiralty as the reason, that his flag had not been properly supported by some of his officers.

With indifference to neutral rights, he sent frigates to seize or destroy all American vessels in St. Eustatius. In June he received a check by a junction of the Spanish squadron under Solano with the French. But the two admirals could not agree how their forces should be employed. Contagious fever

attacked the Spaniards, and reached the French. Solano returned to Havana; Guichen, whose squadron was anxiously awaited in the North, sailed for France. Rodney alone, passing to the north and recapturing a ship from Charleston, anchored off Sandy Hook, where he vexed the weak Admiral Arbuthnot by taking command of the station of New York during his short stay. To the superiority of the British on land was now added the undisputed dominion of the water. In aid of the enterprise by which Sir Henry Clinton expected to bring the war to an immediate close, Rodney contributed his own rare powers; and harmony prevailed between the two branches of the service.

On the eighteenth of September, Washington crossed the North river on his way from head-quarters near Tappan to Hartford, where, attended by Lafayette and Hamilton, he was to hold his first interview with General Rochambeau. He was joined on the river by Arnold, who accompanied him as far as Peekskill, and endeavored, though in vain, to obtain his consent for the reception of an agent on pretended business relating to confiscated property.

Time pressed on. Besides, Sir George Rodney had only looked in upon New York, and would soon return to the West Indies. On the evening of the eighteenth, Arnold, giving information that Washington on the following Saturday night was expected to be his guest at West Point, proposed that André should immediately come up to the Vulture ship-of-war, which rode at anchor just above Teller's Point in Haverstraw bay, promising on Wednesday evening "to send a person on board with a boat and a flag of truce."

This letter of Arnold reached Clinton on Tuesday evening, and he took his measures without delay. Troops were embarked on the Hudson river under the superintendence of Sir George Rodney, and the embarkation disguised by a rumor of an intended expedition into the Chesapeake.

On the morning of the twentieth the British adjutant-general prepared to carry out his orders. To diminish the dangers to which the service exposed him, "the commander-in-chief, before his departure, cautioned him not to change his dress, and not to take papers." At Dobb's Ferry he em-

barked on the river, and, as the tide was favorable, reached the Vulture at about an hour after sunset, and declared to its captain "that he was ready to attend General Arnold's summons when and where he pleased."

"The night the flag was first expected he expressed much anxiety for its arrival," and, as it did not come, on the morning of the twenty-first he found a way to let Arnold know where he was. On the ensuing night Arnold sent Joshua Heth Smith, in a boat with muffled oars, off from the western shore of the Hudson to the Vulture. "The instant André learned that he was wanted, he started out of bed and discovered the greatest impatience to be gone. Nor did he in any instance betray the least doubt of his safety and success." The moon, which had just passed into the third quarter, shone in a clear sky when the boat pushed for the landing-place near the upper edge of the Haverstraw Mountains. It was very near the time for day to appear, when André, dressed in regimentals which a large blue cloak concealed, landed at the point of the Long Clove, where Arnold was waiting in the bushes to receive him. The general had brought with him a spare horse; and the two rode through the village of Haverstraw within the American lines to the house of Smith, which lay a few miles from the river. At the dawn of day the noise of artillery was heard. An American party had brought field-pieces to bear on the Vulture; and Arnold, as he looked out from the window, saw her compelled to shift her anchorage. The negotiations of the two parties continued for several hours. Clinton was in person to bring his army to the siege of Fort Defiance, which enclosed about seven acres of land. The garrison was to be so distributed as to destroy its efficiency. Arnold was to send immediately to Washington for aid, and to surrender the place in time for Sir Henry Clinton to make arrangements for surprising the reinforcement, which it was believed Washington would conduct in person. The promises to Arnold were indemnities in money and the rank of brigadier in the British service. The American general returned to his quarters. Late in the afternoon André, disguising himself by changing his dress for the garb of a citizen, provided with passes from Arnold and attended by Smith, set off by land for New York.

Four years before, Washington had sailed between the Highlands, and had marked with his eye the positions best adapted to command the passage. Until 1778, West Point was a solitude, nearly inaccessible; now it was covered by fortresses with numerous redoubts, constructed chiefly under the direction of Kosciuszko as engineer, and so connected as to form one system of defence, which was believed to be impregnable. Here were the magazines of ammunition, for the use not of the post only, but of the whole army. The fortifications seemingly represented a vast outlay of money; but the prodigious labor of piling on the steep heights huge trunks of trees and enormous hewn blocks of stone had been executed by the hands of the American soldiers, who received for their toil not the smallest gratification, even when their stated pay remained in arrear.* And these works, of which every stone was a monument of nameless disinterested patriots, were to be betrayed to the enemy, with all their garrison.

On that same evening Washington, free from suspicion, was returning to his army. He had met General Rochambeau and Admiral de Ternay at Hartford. "The interview was a genuine festival for the French, who were impatient to see the hero of liberty. His noble mien, the simplicity of his manners, his mild gravity, surpassed their expectations and gained for him their hearts." All agreed that, for want of a superiority at sea, active operations could not be begun; so that the meeting served only to establish friendship and confidence between the officers of the two nations. Washington on his return was accompanied a day's journey by Count Dumas, one of the aids of Rochambeau. The population of the town where he was to spend the night went out to meet him. A crowd of children, repeating the acclamations of their elders, gathered around him, stopping his way, all wishing to touch him and with loud cries calling him their father. Pressing the hand of Dumas, he said to him: "We may be beaten by the English in the field; it is the lot of arms: but see there the army which they will never overcome."

At that very time André, conducted by Smith, crossed the

* Boynton's History of West Point, chap. iv. Complot d'Arnold et de Sir Henry Clinton, 77–81. Voyage de Chastellux dans l'Amérique, 2d ed., i., 71.

Hudson river at King's ferry. It was already dark before they passed the American post at Verplanck's Point, under the excuse that they were going up the river, and, to keep up that pretence, they turned in for the night near Crompond. Very early on the twenty-third they were in the saddle. Two miles and a half north of Pine's bridge over the Croton, Smith, assuring André that the rest of the way he would meet only British parties, or cow-boys as they were called, and having charged him to take the inner route to New York through the valley of the Bronx by way of White Plains, near which the British had an outpost, bade him farewell and rode up to dine with Arnold at his quarters. At a fork in the road about six miles below the Croton, André, quitting the road to White Plains, took that which led over the hills, and entered the highway from Albany to New York at a short distance above Tarrytown. He now thought himself beyond all danger. The British troops, embarked by Sir George Rodney, lay waiting for Clinton to give the word and to lead them in person.

It happened that John Paulding, a poor man, then about forty-six years old, a zealous patriot who engaged in the service of his country at the breaking out of the war and was twice made captive, had lately escaped from New York and had formed a little corps of partisans to annoy rovers taking provisions to New York, or otherwise doing service to the British. On that morning, after setting a reserve of four to keep watch in the rear, he and David Williams of Tarrytown and Isaac van Wart of Greenburg seated themselves in the thicket by the wayside just above Tarrytown, and whiled away the time by playing cards. At an hour before noon André was rising the hill out of Sleepy Hollow, within fifteen miles of the British post at King's Bridge, when Paulding rose, presented a firelock at his breast, and asked which way he was going. Full of the idea that he could meet none but friends to the English, he answered: "Gentlemen, I hope you belong to our party?" "Which party?" asked Paulding. "The lower party," said André. Paulding answered that he did. Then said André: "I am a British officer, out on particular business, and I hope you will not detain me a minute." Upon this Paulding ordered him to dismount. Seeing his mistake, André showed

his pass from Arnold, saying: "By your stopping me, you will detain the general's business." "I hope," answered Paulding, "you will not be offended; we do not mean to take anything from you. There are many bad people going along the road; perhaps you may be one of them;" and he asked if he had any letters about him. André answered: "No." They took him into the bushes to search for papers, and at last discovered three parcels under each stocking. Among these were a plan of the fortifications of West Point; a memorial from the engineer on the attack and defence of the place; returns of the garrison, cannon, and stores in the handwriting of Arnold. "This is a spy," said Paulding. André offered a hundred guineas, any sum of money, if they would but let him go. "No," cried Paulding, "not for ten thousand guineas." They then led him off, and, arriving in the evening at North Castle, they delivered him with his papers to Lieutenant-Colonel Jameson, who commanded the post, and then went their way, not asking a reward for their services, nor leaving their names.

What passed between André and Jameson is not known. The result of the interview was that on the twenty-fourth the prisoner was ordered by Jameson to be taken to Arnold; but, on the sharp remonstrance of Major Tallmadge, the next in rank, the order was countermanded, and he was confined at Old Salem, yet with permission to inform Arnold by letter of his arrest.

His letter was received on the twenty-fifth, too late for an order to be given for his release, and only in time for Arnold himself to escape down the river to the Vulture. Washington, who had turned aside to examine the condition of the works at West Point, arrived a few hours after his flight.

The first care of the commander-in-chief was for the safety of the post. The extent of the danger appeared from a letter of the twenty-fourth, in which André avowed himself to be the adjutant-general of the British army, and offered excuses for having been "betrayed into the vile condition of an enemy in disguise" within his posts. He added: "The request I have to make to your excellency, and I am conscious I address myself well, is that, in any rigor policy may dictate, a decency of conduct toward me may mark that, though unfortunate, I

am branded with nothing dishonorable, as no motive could be mine but the service of my king, and as I was involuntarily an impostor." This request was granted, and in the whole affair he was treated with the most scrupulous delicacy. André further wrote: "Gentlemen at Charleston on parole were engaged in a conspiracy against us; they are objects who may be set in exchange for me, or are persons whom the treatment I receive might affect." The charge of conspiracy against Gadsden and his fellow-sufferers was groundless, and had been brought forward only as an excuse for shipping them away from the city, where their mere presence kept the love of independence alive; to seek security by a threat of retaliation on innocent men was an unworthy act, which received no support from Sir Henry Clinton.

André was without loss of time conducted to the headquarters of the army at Tappan. His offence was so clear that it would have justified the promptest action; but, to prevent all possibility of complaint from any quarter, he was, on the twenty-ninth, brought before a numerous and very able board of officers. On his own confession and without the examination of a witness, the board, on which sat Greene; Saint-Clair, afterward president of congress; Lafayette, of the French army; Steuben, from the staff of Frederic II.; Parsons, Clinton, Glover, Knox, Huntingdon, and others, all well known for their uprightness — made their unanimous report that Major André, adjutant-general of the British army, ought to be considered as a spy from the enemy and to suffer death. The court showed him every mark of indulgence, and required him to answer no interrogatory which could even embarrass his feelings. He acknowledged their generosity in the strongest terms of manly gratitude, and afterward remarked to one who visited him that, if there were any remains in his mind of prejudice against the Americans, his present experience must obliterate them.

On the thirtieth the sentence was approved by Washington, and ordered to be carried into effect the next day. Clinton had already, in a note to Washington, asked André's release, as of one who had been protected by "a flag of truce and passports granted for his return." Washington replied by enclos-

ing to the British commander-in-chief the report of the board of inquiry, and observed "that Major André was employed in the execution of measures very foreign to flags of truce, and such as they were never meant to authorize."

At the request of Clinton, who promised to present "a true state of facts," the execution was delayed till the second day of October; and General Robertson, attended by two civilians, came up the river for a conference. The civilians were not allowed to land; but Greene was deputed to meet the officer. Instead of presenting facts, Robertson, after compliments to the character of Greene, announced that he had come to treat with him. Greene answered: "The case of an acknowledged spy admits no official discussion." Robertson then proposed to free André by an exchange. Greene answered: "If André is set free, Arnold must be given up." Robertson then forgot himself so far as to deliver an open letter from Arnold to Washington, in which, in the event André should suffer the penalty of death, he used these threats: "I shall think myself bound by every tie of duty and honor to retaliate on such unhappy persons of your army as may fall within my power. Forty of the principal inhabitants of South Carolina have justly forfeited their lives; Sir Henry Clinton cannot in justice extend his mercy to them any longer if Major André suffers."

Meantime, André entreated that he might not die "on the gibbet." Washington and every other officer in the American army were moved to the deepest compassion; and Hamilton, who has left his opinion that no one ever suffered death with more justice and that there was in truth no way of saving him, wished that in the mode of his death his feelings as an officer and a man might be respected. But the English themselves had established the exclusive usage of the gallows. At the beginning of the war their officers in America threatened the highest American officers and statesmen with the cord. It was the only mode of execution authorized by them. Under the orders of Clinton, Lord Cornwallis in South Carolina had set up the gallows for those whom he styled deserters, without regard to rank. The execution took place in the manner that was alone in use on both sides.

Arrived at the fatal spot, he said: "I am reconciled to my fate, but not to the mode." Being asked at the last moment if he had anything to say, he answered: "Nothing but to request you to witness to the world that I die like a brave man."

It is a blemish on the character of André that he had begun his mission by prostituting a flag, had pledged his word for the innocence and private nature of his design, and had wished to make the lives of faultless prisoners hostages for his own. About these things a man of honor and humanity ought to have had a scruple; "but the temptation was great; let his misfortunes cast a veil over his errors." The last words of André committed to the Americans the care of his reputation; and they faithfully fulfilled his request. The firmness and delicacy observed in his case were exceedingly admired on the continent of Europe. His king did right in offering honorable rank to his brother, and in granting pensions to his mother and sisters; but not in raising a memorial to his name in Westminster Abbey. Such honor belongs to other enterprises and deeds. The tablet has no fit place in a sanctuary, dear from its monuments to every friend to genius and mankind.

As for Arnold, he had not feeling enough to undergo mental torments, and his coarse nature was not sensitive to shame. Though bankrupt and flying from his creditors, he preferred claims to indemnity, and received between six and seven thousand pounds. He suffered only when he found that baffled treason is paid grudgingly; when employment was refused him; when he could neither stay in England nor get orders for service in America; when, despised and neglected, he was pinched by want. But the king would not suffer his children to starve, and eventually their names were placed on the pension list.

Sir George Rodney returned to the West Indies, and, so far as related to himself, let the unsuccessful conspiracy sink into oblivion. For Clinton, the cup of humiliation was filled to the brim. "Thus ended," so he wrote in his anguish to Germain, "this proposed plan, from which I had conceived such great hopes and imagined such great consequences." He was, moreover, obliged to introduce into high rank in the British army, and receive at his council table, a man who

had shown himself so sordid that British officers of honor hated to serve with him. Arnold had the effrontery to make addresses to the American people respecting their alliance with France; to write insolent letters to Washington; to invite all Americans to desert the colors of their country like himself; to advise the breaking up of the American army by wholesale bribery. Nay, he even turned against his patron as wanting activity, assuring Germain that the American posts in the Highlands might be carried in a few days by a regular attack. No one knew better than Clinton that André was punished justly; yet in his private journal he aimed a stab at the fair fame of his humane adversary, whom he had not been able to overcome in the field nor by the practice of base deceit; and attributed an act of public duty to personal "rancor," for which no cause whatever existed. The false accusation proves not so much malignity in its author as feebleness.*

Washington sought out the three men who, "leaning only on their virtue and an honest sense of their duty," could not be tempted by gold; and on his report congress voted them annuities in words of respect and honor.

* In my narrative I have followed only contemporary documents, which are abundant and of the surest character, and which, taken collectively, solve every question. The most important are: The proceedings of the American court of inquiry; Clinton's elaborate letters to Lord George Germain of 11 and 12 October 1780; Narrative of correspondence and transactions respecting General Arnold in Sir Henry Clinton's letter of 11 October 1780; Clinton's secret letter of 30 October 1780; Clinton's report to Lord Amherst of 16 October 1780; Extract from Clinton's Journal in Mahon's England, vii., Appendix vii. to xi.; Journal of General Matthews; Trial of Joshua Hett Smith, New York, 1866; and especially Hamilton's account of André's affair in Works, i., 172–182. This last is particularly valuable, as Hamilton had the best opportunities to be well informed; and in his narrative, if there are any traces of partiality, it is toward André that he leaned. The reminiscences of men who wrote in later days are so mixed up with errors of memory and fable that they offer no sure foothold.

CHAPTER XXIX.

STRIVING FOR UNION.

1779–1781.

"Our respective governments which compose the union," so ran the circular of congress to the states in the opening of the year 1779, "are settled and in the vigorous exercise of uncontrolled authority." The union itself was without credit and unable to enforce the collection of taxes. About one hundred and six millions of paper money were then in circulation, and in April 1779 stood at five cents. For the service of the year 1779, congress invited the states to pay by instalments their respective quotas of fifteen millions; and, further, to pay six millions annually for eighteen years, as a fund to sink all previous emissions and obligations. After these preliminaries, a new issue of a little more than fifty millions was authorized.

"The state of the currency was the great impediment to all vigorous measures;" it became a question whether men, if they could be raised, could be subsisted. The Pennsylvania farmers were unwilling to sell their wheat except for hard money. There was no hope of relief but from the central authority. To confederate without Maryland was the opinion of Connecticut; with nine or more states, of Boston; with "so many as shall be willing to do so," allowing to the rest a time during which they might come in, of Virginia.

Late in May congress apportioned among the states forty-five millions of dollars more, though there was no chance that the former apportionment would be paid. Four times in the course of the year it sent forth addresses to the several states. Newspapers, town-meetings, legislatures, teemed with

remedial plans; but the issue of paper constantly increased, and its value fell with accelerated velocity. In the middle of August, when a paper dollar was worth but three or four cents, Washington directed his agents to receive it no longer, for the legal-tender law countenanced dishonesty.

On the second of September, congress having ascertained that the sum of outstanding emissions was but little short of one hundred and sixty millions, limited paper money to two hundred millions; and the limit was reached before the end of the year. In October it appointed Henry Laurens of South Carolina to negotiate a loan of ten millions in the Netherlands, though they had not yet acknowledged the existence of the United States; and in November it resolved to draw upon him on time for one hundred thousand pounds sterling. It resolved to draw on Jay, their minister at Madrid, for as much more, which he was left to get from the king of Spain, though that king was the most determined foe to the independence of the United States. Laurens and Jay were instructed mutually to support each other, though neither of them had any but imaginary resources. In the midst of these financial straits the year came to an end; and a paper dollar, which, when first buoyed up by the French alliance, was valued at twenty cents, in January 1779 had fallen to twelve and a half, in April to five cents, in December to less than two and a half cents.

The legislature of Virginia had, on the second of June 1779, unanimously ratified the treaties of alliance and commerce between France and the United States; and the governor had, under the seal of the commonwealth, notified the French envoy at Philadelphia of the act. The legislature of Maryland formally approved the act of its delegates in congress in ratifying the treaties. No other state followed these examples. Vergennes, in September, after reflecting on the procedure of Virginia, gave instructions to Gerard in these words: "During the war it is essential, both for the United States and for us, that their union should be as perfect as possible. When they shall be left to themselves, the general confederation will have much difficulty in maintaining itself, and will perhaps be replaced by separate confederations. Should this revolution occur, it will weaken the United States, which have not now,

and never will have, real and respectable strength except by their union. But it is for themselves alone to make these reflections. We have no right to present them for their consideration, and we have no interest whatever to see America play the part of a power. The possibility of the dissolution of the general confederation and the consequent suppression of congress leads us to think that nothing can be more conformable to our political interest than separate acts by which each state shall ratify the treaties concluded with France; because in this way every state will be found separately connected with us, whatever may be the fortune of the general confederation."

The sentiment of congress was strong against the exercise of a separate voice on a subject reserved exclusively for the deliberation of the confederacy. Before the war was ended, both Maryland and Virginia applied directly to France for assistance, which Virginia received.

On the question of a closer union, Virginia hung nearly on the balance. The first of her citizens, at the head of the army, was using all his powers of persuasion to promote an efficient government; and her legislature selected Madison, a friend to union, as one of her representatives. On the other hand, as the chief claimant of north-western lands in opposition to congress, she, above all others, asserted the sovereignty of the separate states. Congress had received petitions from persons, claiming to be companies, holding land north-west of the Ohio. "Should congress assume a jurisdiction," such was the remonstrance of the general assembly of Virginia, "it would be a violation of public faith; introduce a most dangerous precedent, which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States; and establish in congress a power which, in process of time, must degenerate into an intolerable despotism." "Although the general assembly of Virginia would make great sacrifices to the common interest of America (as they have already done on the subject of representation), and will be ready to listen to any just and reasonable propositions for removing the ostensible causes of delay to the complete ratification of the confederation, they do hereby, in the name and on behalf of the commonwealth of Virginia, expressly pro-

test against any jurisdiction or right of adjudication in congress upon the petitions of the Vandalia or Indiana companies, or on any other matter or thing subversive of the internal policy, civil government, or sovereignty of this or any other of the United American States, or unwarranted by the articles of confederation." Congress, on mature consideration, declined the discussion of the remonstrance.

To counterbalance the sturdy resistance of Virginia, the legislature of New York took the field. They founded claims to western territory on the discoveries and the capitulation of the Dutch, on the grant from Charles II. to the duke of York, and on the acquisition of the rights of the Five Nations and their tributaries as the native proprietors. Desirous to accelerate the federal alliance, on the nineteenth of April 1780 they authorized congress to restrict their boundaries on the west. This is the first important act of the states in surrendering public lands to the federal union.

At the opening of the year 1780 congress found itself helpless, and threw everything upon the states. In truth, it could do nothing else. On the ninth of February it fixed the number of men necessary for the service of the year at over thirty-five thousand two hundred and eleven, and required the states to furnish by drafts or otherwise, before the first day of the coming April, the respective deficiencies in their quotas, which were prescribed with exactness. To subsist the troops, congress called on the several states to furnish their respective quotas of supplies for the ensuing season, thus shoving off from itself all care for recruiting the army and all responsibility for its support. To gain money, it directed the states to bring into the continental treasury, by taxes or otherwise, one million two hundred and fifty thousand dollars every month to the month of April 1781, inclusive, in hard money or with forty dollars in the old bills for one dollar of the tax. The bills that should be thus brought in were to be destroyed; and, for every forty dollars actually cancelled, two dollars were permitted of a new issue, bearing five per cent interest, receivable by the continental treasury as specie, and redeemable in specie by the several states on or before the last day of December 1786.

As fast as the new bills should be signed and emitted, the

states respectively on whose funds they were to be issued were to receive three fifths of them; the remaining two fifths were to be subject to the order of the United States, and to be duly credited to the several states. All laws on legal tender were to be adapted to the new system. The elaborate plan was generally well received, though by a mere vote it sponged out thirty-nine fortieths of the former currency. As the bills were to be issued in the names of the several states, the plan could not go into effect till each one of them should give authority for the use of its name. Meantime, the demands on the confederacy were in part answered by warrants on the several states, and to discharge these warrants the states used the taxes collected for the continental treasury.

Pennsylvania was the first state that had the opportunity to accept the measure, and it adjourned without acting upon it. The legislature of Virginia rejected it by an overwhelming majority, and at last, after great persuasion, accepted it by a majority of but two. The old currency soon ceased to circulate; the new emission wanted credit from the beginning.

A cry arose, especially in the army, for an efficient government. "While the powers of congress," wrote Greene, "are so incompetent, our affairs will grow worse and worse until ruin overtakes us." In the army, which had been unpaid for five months, every department was without money and without the shadow of credit. To relieve this gloomy state of things, congress, on the tenth of April 1780, promised to make good to the officers and line the depreciation in their pay; but the promise was little worth. For a long time the troops received only from one half to one eighth of a ration of meat, and were several days without a single pound of it. Washington appealed to Reed, the president of the rich state of Pennsylvania, which, except for a few months in 1777 and 1778, had been untouched by the war; but it was in vain. "The great man," wrote Greene secretly to the president of Pennsylvania, "is confounded at his situation, but appears to be reserved and silent. Should there be a want of provisions, we cannot hold together many days in the present temper of the army." On the twenty-fifth of May two regiments of Connecticut, worn out by want of clothes and food and pay, paraded under arms,

declaring their resolution to return home, or to obtain subsistence for themselves; and they were brought back to their duty only by being reminded that they were defenders of the rights of mankind, and, as a grave writer who was then with the army relates, by the "influence of the commander-in-chief, whom they almost adored." The enemy appeared against them in the midst of these trials; and they rallied as one man and kept him at bay.

"Certain I am," wrote Washington, in May, to his friend Joseph Jones of King George, a delegate in congress from Virginia, "unless congress are vested by the several states with powers competent to the great purposes of war, or assume them as matter of right, and they and the states respectively act with more energy than they have hitherto done, our cause is lost. By ill-timing in the adoption of measures, by delays in the execution of them, or by unwarrantable jealousies, we incur enormous expenses and derive no benefit from them. One state will comply with a requisition of congress; another neglects to do it; a third executes it by halves; and all differ either in the manner, the matter, or so much in point of time, that we are always working up-hill. While the present want of system prevails we shall ever be unable to apply our strength or resources to any advantage.

"This, my dear sir, is plain language to a member of congress, but is the result of long thinking, close application, and strict observation. I see one head gradually changing into thirteen. I see one army branching into thirteen, which, instead of looking up to congress as the supreme controlling power of the United States, are considering themselves as dependent on their respective states. In a word, I see the powers of congress declining too fast for the consideration and respect which are due to them as the great representative body of America, and I am fearful of the consequences."

"Congress," answered his correspondent, "have scarcely a power left but such as concerns foreign transactions; for, as to the army, they are at present little more than the medium through which its wants are conveyed to the states. This body never had, or at least in few instances ever exercised, powers adequate to the purposes of war; and, indeed, such as they

possessed have been frittered away to the states, and it will be found very difficult to recover them. Resolutions are now before us, by one of which the states are desired to give express powers for the common defence. Others go to the assumption of them immediately. The first will sleep with the states; the others will die where they are, so cautious are some of offending the states."

When it became certain that troops from France were on their way to assist the country, congress made not even a semblance of direct action, and could only entreat the states to correspond severally with its committee at head-quarters, so that it might explicitly know how far they could be relied on to furnish the men and money and provisions that had been called for. The legislature of Pennsylvania, before its adjournment, vested large discretionary powers in president Reed; but these he declined to use. In June steps were taken at Philadelphia for founding a bank with leave to issue notes. The subscribers proposed, but only on adequate security, to make purchases in advance for the suffering soldiers. Congress accepted the proffer of aid, and further resolved to intrust to the company as much of its paper money as could be spared from other services. Thus began the deposit of funds of the United States in a bank.

The women of Philadelphia, rallying round the amiable Esther Reed, wife of the president of Pennsylvania, brought together large donations of clothing, and invited the ladies of other states to adopt a like plan. They thus assisted to keep alive the spirit of patriotism in the army, but their gifts could not meet its ever-recurring wants.

When congress drew supplies in kind directly from each state for its own troops, quotas were sometimes apportioned by the states to their towns, and in towns to individuals. Men of small means in a New England village would club together to buy an ox of a weight equal to their collective quotas, and herds of cattle so gathered were driven to the camp. All this marked an active spirit of patriotism reaching to the humblest and remotest, but it showed the want of organized power.

Toward the end of June Greene wrote: "I have for a long time seen the necessity of some new plan of civil constitution;

unless there is some control over the states by the congress, we shall soon be like a broken band." Even with his energy there could be no efficient administration in the quartermaster's department, though it had been placed on a centralized system under his immediate authority, with powers almost independent of congress, and with exorbitant emoluments for himself, his assistants, and subordinates. The system itself in the hands of a bad man would have opened the way to endless abuses; and congress wisely restored its own controlling civil supervision. Dismissing a useless supernumerary, it determined to have but one head of the quartermaster's department at the seat of congress, and one at the camp; and, in paying the officers of the staff, it returned to salaries instead of commissions. The unanimous judgment of the country from that day to this has approved the reform. Greene resigned with petulant abruptness. His successor in the quartermaster's department was Timothy Pickering, who excelled him as a man of business; was content with moderate pay; and was singularly frugal and exact; so that the service suffered nothing by the change.

The tendency to leave all power in the hands of the separate states was a natural consequence of their historic development, and was confirmed by pressing necessity. "A single assembly," so John Adams long continued to reason, "is every way adequate to the management of all the federal concerns of the people of America; because congress is not a legislative, nor a representative, but a diplomatic assembly."

Congress having requested the eight states north of Maryland to convene at New Haven, in January 1778, all but Delaware appeared; but they strove in vain to regulate prices. The convention of the eastern states, which at the instance of Massachusetts assembled in 1779 at Hartford, is memorable for having advised a convention of all the states at Philadelphia. In consequence, early in 1780, delegates from every state north of Virginia, except New York, met in that city, but accomplished nothing. By the meeting of the eastern states in August 1780, at Boston, the first step was taken toward the formation of a federal constitution. After adopting a series of measures best suited to the campaign, they resolved

"that the union of these states be fixed in a more solid and permanent manner; that the powers of congress be more clearly ascertained and defined; that the important national concerns of the United States be under the superintendency and direction of one supreme head; that it be recommended to the states to empower their delegates in congress to confederate with such of the states as will accede to the proposed confederation; and that they invest their delegates in congress with powers competent for the government and direction of all those common and national affairs which do not nor can come within the jurisdiction of the particular states."

"These resolutions," wrote Washington to Bowdoin, then president of the council of Massachusetts, "if adopted, will be the means most likely to rescue our affairs from the complicated and dreadful embarrassments under which they labor, and will do infinite honor to those with whom they originate. I sincerely wish they may meet with no opposition or delay in their progress."

The words of the Boston convention sunk deeply into the mind of Hamilton, who for three and a half years had been Washington's most able and confidential secretary; and, under his eye and guidance, had watched the course of affairs from the central point where they could best be overseen. To these opportunities he added the resources of an inventive and fearless mind, the quick impulses of youth, and the habit of steady and severe reflection. Uncontrolled by birth or inherited attachments to any one state, he fastened upon the idea of a stronger union. By disposition and temperament he demanded a strong and well-organized government. From childhood he was unbounded in his admiration of the English constitution, and did not utterly condemn its methods of corruption in the conduct of public affairs; yet in his own nature there was nothing sordid or low; he was always true to the sense of personal integrity and honor. The character of his mind and his leaning to authority, combined with something of a mean opinion of his fellow-men, cut him off from the sympathy of the masses, so that he was in many ways unfit to lead a party; and the years of his life which were most productive of good were those in which he acted under Washington.

On the third of September 1780, Hamilton took the field in behalf of a national constitution by urging Duane, a member of congress from New York, to hold up to that body the example of the meeting of the New England states, and to call on the first day of the next November a convention of all the states, with full authority to conclude finally upon a general confederation. He traced the causes of the want of power in congress, and censured that body for its timidity in refusing to assume authority to preserve the republic from harm. "Undefined powers," he said, "are discretionary powers, limited only by the object for which they were given," not holding in mind that congress could not have assumed such powers, even if it would. "Already," he continued, "some of the lines of the army, but for the personal influence of the general, would obey their states in opposition to congress, notwithstanding the pains taken to preserve the unity of the army. The sovereign of an empire under one simple form of government has too much power; in an empire composed of confederated states, each with a government completely organized within itself, the danger is directly the reverse."

"We must, at all events, have a vigorous confederation," he said, "if we mean to succeed in the contest, and be happy thereafter. Internal police should be regulated by the legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance, foreign affairs, armies, fleets, fortifications, coining money, establishing banks, imposing a land-tax, poll-tax, duties on trade, and the unoccupied lands." "The confederation should provide certain perpetual revenues, productive and easy of collection—a land-tax, poll-tax, or the like; which, together with the duties on trade and the unlocated lands, would give congress a substantial existence." "Where the public good is evidently the object, more may be effected in governments like ours than in any other. It has been a constant remark that free countries have ever paid the heaviest taxes. The obedience of a free people to general laws, however hard they bear, is ever more perfect than that of slaves to the arbitrary will of a prince."

"As to the plan of confederation which congress has pro-

posed, it is," he said, "defective, and requires to be altered. It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each state will defeat the powers given to congress, and make our union feeble and precarious."

The second step which Hamilton recommended was the appointment of great officers of state—one for the department of foreign affairs, another for war, a third for the navy, a fourth for the treasury. These were to supersede the committees and the boards which had hitherto been usual; but his plan neither went so far as to propose a president with the chief executive power, nor two branches in the national legislature. He would have placed the army exclusively under congress, and valued it as "a solid basis of authority and consequence." The precedent of the bank of England, of which he overestimated the influence on public credit, led him to expect too much from a bank of the United States.

The advice which Hamilton offered from his tent, in the midst of an unpaid, half-fed, and half-clad army, was the more remarkable from the hopefulness which beamed through his words. No doubt crossed his mind that a republic of united states could embrace a continental territory.

Two days later Washington, with Duane at his side, gazed from Weehawken Heights on the half-ruined city of New York in her bondage. He never gave himself rest in his efforts to create the system of government which was soon to gather the wealth and commercial representatives of all the nations of the world on that island and the neighboring shores. On the twenty-second of October, intent on inspiring his native commonwealth with zeal to lead the way to the establishment of a true union of the states, he poured out his heart to his early friend George Mason: "Our present distresses are so great and complicated that it is scarcely within the powers of description to give an adequate idea of them. With regard to our future prospects, unless there is a material change both in our civil and military policy, it will be in vain to contend much longer.

"We are without money; without provision and forage, except what is taken by impress; without clothing; and shortly shall be, in a manner, without men. In a word, we

have lived upon expedients till we can live no longer. The history of this war is a history of temporary devices instead of system, and economy which results from it.

"If we mean to continue our struggles (and it is to be hoped we shall not relinquish our claims), we must do it upon an entire new plan. We must have a permanent force; not a force that is constantly fluctuating and sliding from under us, as a pedestal of ice would leave a statue on a summer's day; involving us in expense that baffles all calculation—an expense which no funds are equal to. We must at the same time contrive ways and means to aid our taxes by loans, and put our finances upon a more certain and stable footing than they are at present. Our civil government must likewise undergo a reform; ample powers must be lodged in congress as the head of the federal union, adequate to all the purposes of war. Unless these things are done, our efforts will be in vain."

"To accelerate the federal alliance and lead to the happy establishment of the federal union," congress urged on the states a liberal surrender of their territorial claims in the West; and it provided "that the western lands which might be ceded to the United States should be settled and formed into distinct republican states, that should become members of that federal union, and have the same rights of sovereignty, freedom, and independence as the other states." On the fifth of October, in words drafted by Robert R. Livingston, it adhered with hearty good-will to the principles of the armed neutrality, as set forth by Russia. By a vote of a majority of the states it sought to quiet the discontent among the officers in the army by promising them half-pay for life. But, to relieve the embarrassments of the moment, it was helpless.

On the fourth of November congress once more distributed among the several states a tax of six millions of silver dollars, to be paid partly in specific articles. "It is now four days," wrote Glover to Massachusetts on the eleventh of December, "since your line of the army has eaten one mouthful of bread. We have no money; nor will anybody trust us. The best of wheat is at this moment selling in the state of New York for three fourths of a dollar per bushel, and your army is starving for want. On the first of January something will turn up, if

not speedily prevented, which your officers cannot be answerable for."

When congress, in September 1776, had transferred the enlistment of troops to the states, the new recruits were to bind themselves to serve for the war; but in some cases the enlistment was made "for three years or for the war;" and three years had passed since that time. In the night of the first of January 1781, a part of the Pennsylvania line, at Morristown, composed in a large degree of new-comers from Ireland, revolted, and, under the lead of their non-commissioned officers, marched with six field-pieces to Princeton. The want of clothes, of food, and of pay for nearly a year, and the compulsion imposed upon some of them to remain in service beyond the three years for which they believed they had engaged, were extremities which they would no longer endure.

Informed of the mutiny, Sir Henry Clinton passed over to Staten Island with a body of troops for its support; but two emissaries whom he sent to them with tempting offers were given up by the mutineers, and after trial were hanged as spies. Reed, the president of Pennsylvania, repaired to the spot, though it was beyond his jurisdiction; and, without authority and without due examination of each case, he discharged those who professed to have served out their specified term, while measures were taken by the state of Pennsylvania to clothe and pay the rest. They, for the most part, obtained no more than was due them; but it was of evil tendency that they gained it by a revolt.

In a circular letter to the New England states, of which Knox was made the bearer, Washington laid open the aggravated calamities and distresses of the army. "Without relief, the worst," he said, "that can befall us may be expected. I will continue to exert every means I am possessed of to prevent an extension of the mischief; but I can neither foretell nor be answerable for the issue."

Troops of New Jersey, whose ranks next to the Pennsylvania line included the largest proportion of foreign-born, showed signs of being influenced by the bad example; but Washington interposed. The twenty regiments of New England in the continental service had equal reasons for discontent; but they

were almost every one of them native American freeholders, or their sons. A detachment of them, marching through deep snows and over mountainous roads, repressed the incipient revolt. The passions of the army were subdued by their patriotism; and order and discipline returned. "Human patience has its limits," wrote Lafayette to his wife on the occasion; "no European army would suffer the tenth part of what the American troops suffer. It takes citizens to support hunger, nakedness, toil, and the total want of pay, which constitute the condition of our soldiers, the hardiest and most patient that are to be found in the world."

Knox reported from New England zealous efforts to enlist men for the war. Congress could do nothing, and confessed that it could do nothing. "We have required," thus it wrote to the states on the fifteenth of January 1781, "aids of men, provisions, and money;" "the states alone have authority to execute." For the moment, nothing remained for the United States but to appeal to France for rescue, not from a foreign enemy, but from the evils consequent on their own want of government. It was therefore resolved to despatch to Versailles as a special agent some one who had lived in the midst of the ever-increasing distresses of the army, to set them before the government of France in the most striking light. Hamilton, the fittest man for the office, was passed over, and the choice fell on the younger Laurens of South Carolina.

To him Washington confided a statement of the condition of the country; and with dignity and candor avowed that it had reached a crisis out of which it could not rise by its own unassisted strength. "Without an immediate, ample, and efficacious succor in money," such were his words, "we may make a feeble and expiring effort in our next campaign, in all probability the period of our opposition. Next to a loan of money, a constant naval superiority on these coasts is the object most interesting;" and without exaggeration he explained the rapid advancement of his country in population and prosperity, and the certainty of its redeeming in a short term of years the comparatively inconsiderable debts it might have occasion to contract. To Franklin he wrote in the same strain; and Lafayette addressed a like memorial to Vergennes.

The people of the United States, in proportion to numbers, were richer than the people to whose king they were obliged to appeal. Can Louis XVI. organize the resources of France, and is republican America incapable of drawing forth its own? Can monarchy alone give to a nation unity? Is freedom necessarily anarchical? Are authority and the hopes of humanity forever at variance? Are the United States, who so excel the kingdoms of the Old World in liberty, doomed to hopeless inferiority in respect of administration? For the eye of Robert R. Livingston, then the most influential member from New York, Washington traced to their source the evils under which the country was sinking. "There can be no radical cure," wrote he, "till congress is vested by the several states with full and ample powers to enact laws for general purposes, and till the executive business is placed in the hands of able and responsible men. Requisitions then will be supported by law."

In congress itself, on the third of February, Witherspoon of New Jersey, seconded by Burke of North Carolina, proposed to clothe that body with authority to regulate commerce and to lay duties upon imported articles. The proposition was so far accepted that it was resolved to be indispensably necessary for the states to vest a power in congress to levy a duty of five per cent on importations of articles of foreign growth and manufacture. Yet, before that measure could become valid, the separate approval of each one of the thirteen states must be gained.

The assent of Virginia was promptly given. That great commonwealth, having Jefferson for its governor, earnestly sought to promote peace and union. To hasten peace, it even instructed its delegates in congress to surrender the right of navigating the Mississippi river below the thirty-first degree of north latitude, provided Spain in return would guarantee the navigation of the river above that parallel. Madison, obeying the instruction, voted for the measure contrary to his private judgment. Massachusetts, Connecticut, and North Carolina alone opposed, New York being divided. Virginia did more. Avowing her regard for a "federal union," and preferring the good of the country to every object of smaller importance, she resolved to yield her title to the lands north-west

of the Ohio, on condition that they should be formed into distinct republican states, and be admitted members of the federal union; and Jefferson, who from the first had pledged himself to the measure, announced to congress this great act of his administration in a letter full of hope for the completion of the American union, and the establishment of free republics in the vast country to which Virginia quitted her claim.

The first day of March 1781 was a great day in the history of the country. Maryland, last of the states, subscribed the articles; and "the United States of America, each and every of the thirteen, adopted, confirmed, and ratified their confederation and perpetual union."

The states of the United States, in establishing the confederation, established no government. In the draft of Dickinson, the confederation was an alliance of sovereigns: every change in it increased the relative power of the states. The original report permitted each of them to impose duties on imports and exports, provided they did not interfere with stipulations in treaties; this restriction was confined to the treaties already proposed to France and Spain. No power to prohibit the slave-trade was granted. In troops raised for the common defence, the appointment of field and inferior officers was reserved to the several states. Congress was in future to be chosen annually, and on every first Monday of November to organize itself anew. A majority of the states present had thus far decided every question; the confederation, which forthwith took effect, required the presence and assent of seven states, an absolute majority of all, to decide even the most trifling motion, and of nine states—that is, two thirds of all—to carry every important measure of peace or war, of treaties or finance.

Further, each state retained its sovereignty and every attribute not expressly delegated to the United States; and, by the denial of all incidental powers, the exercise of the granted powers was rendered impracticable. By the articles of confederation, congress alone had the right to treat with foreign nations; but it provided no method for enforcing treaties, so that the engagements on the part of the nation might be violated at the will of any one of its members.

Congress was to defray expenses for the common defence or general welfare out of a common treasury; but there was no independent treasury; the taxes were to be laid and levied by the legislatures of the several states. Moreover, the quotas of the states were to be assigned in proportion to the value of all real estate within each state, and that value each state was to estimate for itself. Congress, which had no direct power to levy any money whatever, could not even assign to the states their quotas till every one of the thirteen should have completed its valuation. The states might tax imports as much as they pleased; congress could not tax them at all. It could declare war, but had not power to bring a single citizen into the field.

The states of America had formed not a union but a confederation, which acted not on individuals but only on each separate sovereignty; room for amendment seemed to be provided for; but an amendment could not take place without the simultaneous consent of every member of the league. With every day, men would grow more attached to their separate states; for many of these had the best governments in the world, while the confederation was one of the worst, or was rather no government at all.

Washington was the first to perceive the defects of the confederation, and the first to urge its reform. On the day before it was adopted he had explained to a young member of the Virginia legislature "the necessity of a controlling power to regulate and direct all matters of general concern. The great business of war," he said, "never can be well conducted, if it can be conducted at all, while the powers of congress are only recommendatory. Our independence, our respectability and consequence in Europe, our greatness as a nation hereafter, depend upon vesting congress with competent powers. That body, after hearing the views of the several states fairly discussed, must dictate, and not merely recommend."

The position of the commander-in-chief required of him unceasing caution. Intrusted with the conduct of the war, no one could see so clearly the absolute necessity of clothing the confederation with coercive powers over its members; but the vigorous recommendation of the change, proceeding from the

head of the army that in the last resort would be the instrument of coercion, would have increased and apparently justified congress in its jealousy of the camp. While, therefore, he wished to support his opinion by all the influence which he could wield, he sought to do it so circumspectly as to awaken no fear of military dictation or a baneful employment of force. The office of preparing a code of laws for Virginia, and adapting them to her new relations, had been definitively confided to Pendleton, Wythe, and Jefferson. No sooner had a groundwork for national reform been laid by the acceptance of the confederation, than Washington addressed to these three greatest civilians of his native commonwealth the most earnest arguments and entreaties that the manner of coercing a refractory or delinquent state might be clearly laid down, and the defects of the articles of confederation be seasonably considered and remedied. "Danger," he added, "may spring from delay; good, from a timely application of a remedy. The present temper of the states is friendly to the establishment of a lasting union; the moment should be improved: if suffered to pass away, it may never return; and, after gloriously and successfully contending against the usurpations of Britain, we may fall a prey to our own follies and disputes."

He was more particularly impelled to express his opinions with freedom, because, in December 1779, the legislature of Virginia seemed to have censured the idea of enforcing obedience to requisitions. "It would give me concern," he added, "should it be thought of me that I am desirous of enlarging the powers of congress unnecessarily, as I declare to God my only aim is the general good. A knowledge that this power was lodged in congress might be the means to prevent its ever being exercised, and the more readily induce obedience; indeed, if congress was unquestionably possessed of the power, nothing should induce the display of it but obstinate disobedience and the urgency of the general welfare."

Of this paper a copy was taken by Joseph Jones of King George, to whom Washington had already expressed himself "in plain language." This copy Jones confided to Madison, his colleague in congress, leaving him to draw his own inference with regard to its author. The confederation was but a month

and a half old when a committee of congress presented a report drafted by Madison, exactly in conformity to this advice of Washington, and, as I believe, in consequence of it, proposing by "an amendment to the articles of confederation to give to the United States full authority to employ their force, as well by sea as by land, to compel any delinquent state to fulfil its federal engagements;" and the reason for the measure as assigned in the preamble was "to cement and invigorate the federal union, that it might be established on the most immutable basis." In this manner the idea of granting to the United States power to coerce a delinquent or refractory state entered the hall of congress, strange and as yet unwelcome and dreaded, yet never to die.

The delicacy and importance of the subject inspired Madison, the author of the report, with the wish to obtain from Jefferson, now governor of Virginia, and one of those to whom Washington had addressed his paper of advice and entreaty, a judgment on the measure, before it should undergo the final decision of congress. He therefore, on the sixteenth of April, represented to Jefferson the arming of congress with coercive powers as a necessity, arising from the shameful deficiency of some of the states most capable of yielding their apportioned supplies, and the military exactions to which others, already exhausted by the enemy and their own troops, were in consequence subjected. "The expediency," he added, "of making the proposed application to the states will depend on the probability of their complying with it. If they should refuse, congress will be in a worse situation than at present; for as the confederation now stands, and according to the nature even of alliances much less intimate, there is an implied right of coercion against the delinquent party, and the exercise of it by congress whenever a palpable necessity occurs will probably be acquiesced in." The instrument of coercion which he preferred was a navy.

No answer of Jefferson to these inquiries has been found; his opinions, as declared at a later period of the confederacy, coincide with those of Madison, who from that time strove without rest to establish an efficient system of government for the states in union. In May he continued to discuss with

Pendleton by letters the proper methods of investing congress with new resources; but no reflecting and far-seeing observer of its relative strength dared hope that its members would be able to remodel the confederacy.

While the American people met obstructions on every side as they slowly sounded their way to an efficient union, Washington on, the first day of May 1781, made a note, that instead of magazines they had but a scanty pittance of provisions, scattered here and there in the different states, and poorly provided arsenals which the workmen were leaving. The articles of field equipage were not ready, nor funds to defray the expenses of regular transportation. Scarce any one of the states had as yet sent an eighth part of its quota into the field; and there was no prospect of an active offensive campaign, unless their generous ally should help them with money and with a fleet strong enough to secure the superiority at sea.

THE

AMERICAN REVOLUTION

IN FIVE EPOCHS.

EPOCH FIFTH.

THE PEOPLE OF AMERICA TAKE THEIR EQUAL STATION AMONG THE POWERS OF THE EARTH.

FROM 1780 TO DECEMBER 1782.

THE AMERICAN REVOLUTION.

CHAPTER I.

FRANCE HAS URGENT NEED OF PEACE.

1780–1781.

The consummation of peace between Great Britain and the United States of America was the sublime result of powers which were conspiring together for the renovation of the world. The United States were without a government, without a revenue, with only the remnants of an army which it could not recruit, nor pay, nor properly feed or clothe, and they were constant suitors to the Bourbon kings for aid. They were engaged with Great Britain in a war which, as it proceeded, had involved the interests of two absolute monarchs and the rising republic so closely that no one of them could make a good peace for itself without a general peace. Spain had calculated everything for a single campaign.* The covenanted invasion of England having failed, the querulous King Charles, after but seven months of hostilities, complained "that France had brought Spain into the war for its own interests alone,† and had caused the first mishaps" to his flag.‡ Florida Blanca, speaking to the French ambassador, called himself a great fool for having induced his king to the declaration against England. He was ready to assent to the division of Turkey between Austria and Russia, if

* Montmorin to Vergennes, 13 May 1780.
† Montmorin to Vergennes, 9 January 1780.
‡ Montmorin to Vergennes, 26 June 1780.

these two powers would but conform as mediators to his plan of peace. Vergennes inflexibly asserted that France was held in honor to sustain the independence of the United States, but that their boundaries were contingent on events.* King Charles desired to retain the United States in some kind of vassalage to Great Britain,† or give them up to helpless anarchy. ‡ He would not receive Jay as their envoy, and even declined a visit from the late minister of France at Philadelphia, who passed through Madrid on his way home from his mission. It was the constant reasoning of Florida Blanca that, if American independence was to be granted, it must be only on such terms as would lead to endless quarrels between America and England;# that the northern colonies preserved a strong attachment for their mother country, and, if once possessed of independence, would become her helpful ally; while, if they were compelled to submit to her rule, they would be only turbulent subjects. ‖ Tossed by danger and doubt from one expedient to another, Spain, through the government of Portugal, sought to open a secret negotiation with England; and the king of France, in an autograph letter, acquiesced in the attempt.△

On the other hand, an unexpected ally offered itself to England. No sooner had Spain declared war against England than by Jesuits in Rome it was privately signified to the British that the natives of Mexico were disaffected toward their government, and universally hated the Spanish; that, since the suppression of the order of the Jesuits, the Spanish government had no medium of control over the natives; that ex-Jesuits, who were conversant with the Mexican and Peruvian languages, were willing to use their superior influence in the Spanish colonies in favor of Great Britain, and to take any hazard if assured of the free exercise of their religion; that well-instructed emissaries could do more than a military force, especially if they might promise to the natives the choice of their governor and magis-

* Compare Vergennes to Montmorin, 22 January 1781.
† Montmorin to Vergennes, 22 January 1780.
‡ Montmorin to Vergennes, 22 February 1780.
# Montmorin to Vergennes, 29 March 1780.
‖ Montmorin to Vergennes, 20 November 1780.
△ The king of France to the king of Spain, 25 April 1780.

trates. In the course of the year, Lord North laid before the cabinet a plan for an expedition, by way of India, to the western coast of South America, and it was approved; but peace came before it was undertaken.

The ultimatum of the United States of America in their eventual negotiation with Britain for peace, unanimously adopted on the fourteenth day of August 1779, set forth their rights to the largest boundaries that had belonged to them during their dependence. The refusal to acknowledge their "equal common rights with Canada and Nova Scotia to the fisheries" was not to stand in the way of peace, but the claim of right to the fisheries was not to be surrendered, and was made a *sine qua non* in any treaty of commerce with Great Britain. Massachusetts and its friends in congress could therefore see the best chance of securing their interests by the election of John Adams as at once the sole negotiator of the treaty of peace and of the treaty of commerce with Britain. They succeeded, and, in February 1780, John Adams arrived in Paris with his double powers. In "his determination to take no steps of consequence in pursuance of his commissions without consulting the ministers of his most Christian majesty," he asked "the opinion and advice" of Vergennes if it was prudent to acquaint the British ministry with his readiness to treat, and "publish the nature of his mission, or remain on the reserve." The French minister welcomed him to France, but, before a reply, wished to become better acquainted with the nature and extent of his commission. Adams declined the hint to communicate his instructions, but gave a copy of his commissions. Vergennes advised him "to take every precaution that the British ministry may not have a premature knowledge of his full powers to negotiate a treaty of commerce;" his character in regard to the future pacification would be announced in France, after which he might give it greater publicity through the Dutch journals. Adams acquiesced in the advice, but to congress he confessed that if he had followed his own judgment he should, immediately after his arrival in Paris, have communicated to Lord George Germain his full powers to treat both of peace and commerce.*

* Diplomatic Correspondence, iv., 339, 361, 363, 376, 386, 388, 423, 443–445.

On the fourteenth of March 1780 the house of commons had carried against the ministry, by a majority of eight votes, a resolution to abolish the board of trade and plantations—the board which for nearly a century had led the way in all the encroachments on colonial freedom. The vote and the statute which followed seemed to imply that Great Britain, even in the opinion of one branch of its own legislature, had lost America; and it certainly put an end to a board of advice which would, in any negotiation for peace, have cavilled at every article promising favor or even moderation to the ancient colonies.

The British government, supported by parliament, continued the war with relentless energy. Yet in May Adams received an informal expression of a wish in England, that he would make known the propositions for peace which the United States would consent to offer. This vague movement for a separate negotiation Adams reported to Vergennes, who answered: "If the views are exact, listen to them and ascertain what overtures it is expected you will make." Adams, still the sole American negotiator with England, rejoined: "I shall make no separate peace. Our alliance with France is near to my heart; it is a natural alliance and a rock of defence." *

On the twentieth of June, Adams incidentally acquainted Vergennes that two hundred millions of dollars of the American paper money had been called in by congress at the rate of forty for one, and that the continental certificates were to be paid off according to the value of money at the time when they were respectively issued. The next day Vergennes answered that strangers, and especially the French, ought to be excepted from the reduction. On the twenty-second, Adams, in reply, at very great length and with strange logic, insisted that, not from necessity, but of right, the reduction must affect creditors of all nations. The obligations of France and America he held to be mutual, saying of France: "All the world will allow the flourishing state of her marine and commerce, and the decisive influence of her councils and negotiations, to be owing to her new connections with the United States." † Vergennes,

* Diplomatic Correspondence, v., 88, 89, 92.

† Diplomatic Correspondence, v., 221.

in the name of the king of France, required Franklin to transmit this correspondence to congress.*

On the twenty-sixth, and before Adams knew of the appeal, he gave free course to his impulses, and wrote to the president of congress: "Until I shall be forbidden by congress, I am determined to give my sentiments to his majesty's ministers whenever they shall see cause to ask them, although it is not within my department." The next day, impugning Franklin, he added: "If our affairs here had been urged with as much skill and industry as they might have been, we should at this moment have been blessed with peace, or at least with a total expulsion of the English from the United States and the West India islands." †

As Vergennes did not ask for the sentiments of Adams, he, on the thirteenth of July, ‡ forced himself upon the attention of the minister as though he had been accredited to the court of France. "I was piqued a little," he wrote at a later day; and he purposely used in his official letters what he describes as "gently tingling expressions." He pleaded for the very measure which Washington and all America most desired, "a clear and indisputable superiority of naval force" on the coast of America; and pointed his request with the words: "I scruple not to give it as my opinion that the not keeping a superiority there through the year will disunite, weaken, and distress us more than we should have been disunited, weakened, or distressed if the alliance had never been made." #

John Adams was persuaded that the British ministry of that day had no serious thought of peace upon terms that America could accept; ‖ but the house of commons was about to be dissolved; and, on the seventeenth of July, he pleaded with Vergennes in favor of communicating to England his full powers respecting peace and commerce as a means of influencing the coming election. △

Vergennes on the twenty-fifth replied to him point by

* Diplomatic Correspondence, iii., 152, 153.

† Diplomatic Correspondence, v., 227, 230.

‡ Diplomatic Correspondence, v., 247.

‖ Diplomatic Correspondence, v., 286.

Diplomatic Correspondence, v., 258.

△ Diplomatic Correspondence, v., 267.

point, and, referring his letter to congress, insisted that, till he should receive their order, he should suspend all measures having relation to the English ministry.* The next day Adams renewed the strife, and to a court where the sanctity of regal power formed the accepted creed he laid it down as certain that "in this intelligent age the principle is well agreed on in the world that the people have a right to a form of government according to their own judgments and inclinations." Nevertheless, he strongly affirmed that the United States had not the most distant thought of departing from their independence or their alliance.†

On the twenty-seventh he denied the statement of Vergennes relating to the character of the measures which the king had taken to sustain the American cause, and added: "I am determined to omit no opportunity to communicate my sentiments to your excellency in person, or by letter, without the intervention of any third person," that is, without the intervention of Franklin, the only accredited minister from the United States. "I shall be very happy, and think myself highly honored, to give my poor opinion and advice to his majesty's ministers upon anything that relates to the United States or the common cause, whenever they shall be asked." ‡ On the same day on which he dispatched this letter he left Paris for Amsterdam.# His correspondence with Vergennes was communicated by that minister alike through Franklin and through the French envoy at Philadelphia to the congress of the United States, with the plain intimation that it would be agreeable to France if a person of a more conciliatory temper should be employed in the coming negotiations for peace.

In midsummer Maurepas, from eagerness for peace, forgot himself so far as to insinuate his wish in a letter to Forth, formerly secretary of the British embassy at Paris. Nothing came of the overture. "Peace will be a great good," wrote Marie Antoinette to her mother; "but, if our enemies do not demand it, I shall be very much afflicted by a humiliating one." ‖ After the capture of Charleston and the rout of the army under

* Diplomatic Correspondence, v., 287. ‡ Diplomatic Correspondence, v., 301–304.
† Diplomatic Correspondence, v., 301. # Diplomatic Correspondence, v., 307.
‖ Maria Antoinette to Maria Theresa, 13 July and 11 October 1780.

Gates, the British parliament, which came together in November, granted all the demands of the ministry for money and for men by vast majorities; and the dread of outbreaks in the cities of England gave new strength to the government. In this state of affairs, Necker, who was ready to take everything upon himself, on the first of December 1780 wrote clandestinely to Lord North, proposing peace on the basis of a truce during which each party should keep possession of all that it had acquired. The terms thus offered were those which Vergennes had always rejected, as inconsistent with the fidelity and honor of France. The British ministry heeded them no further then as a confession of exhaustion and weakness; and it has already been related how at the time they closed every gate to peace by the overbearing spoliation of the Dutch. "England," said Vergennes in the last days of December 1780, "has declared war against the Netherlands from hatred of their accession to the neutrality; the more I reflect, the more I am perplexed to know whether we ought to be glad or sorry." * France gained another partner in the war, but one for which it feared to assume the responsibilities of an alliance. It was a new obstacle to the general peace which had become for France a financial necessity.

In January 1781, Vergennes said of Necker: "I will express no opinion on his financial operations; but in all other parts of the administration he is short-sighted and ignorant." Called to the conferences of the ministers, Necker, in his alarm at the rapid approach of financial ruin, continually dinned into their ears "Peace! peace!" "Peace," replied Vergennes "is a good thing, only you should propose the means of attaining it in an honorable manner." † All Paris clamored for peace. France was drawing nearer to inevitable bankruptcy, its debt verging upon a fourth milliard. The king, like Maurepas, declared that he was tired of the war, and that it must be finished before the end of the year. ‡ For success in negotiating peace, Vergennes needed mediation or great results in the field. Through the queen, Sartine, toward

* Vergennes to Montmorin, 25 and 27 December 1780.

† Count von Mercy to Prince Kaunitz, 21 January 1781. MS.

‡ Mercy to Kaunitz, 7 February 1781. MS.

the end of the former year, had been superseded in the ministry of the marine by the Marquis de Castries, and the imbecile Montbarey by the Marquis de Ségur.

Environed by difficulties, Vergennes would have been glad of a compromise with England on the basis of a truce of at least twenty years, during which South Carolina and Georgia might remain with the English in return for the evacuation of New York. He had sounded Washington and others in America on the subject, and they all had repelled the idea. "There are none but the mediators," wrote Vergennes, "who could make to the United States so grievous an offer. It would be hard for France to propose it, because she has guaranteed the independence of the thirteen states." * Kaunitz, accordingly, set himself to work to bring on the mediation of Austria.

In the month of April young Laurens arrived at Versailles, preceded by importunate letters from Rochambeau and Lafayette to the ministry. His demand was for a loan of twenty-five million livres to be raised for the United States on the credit of the king of France, and in support of it he communicated to the French ministry his letter of advice from Washington. Franklin had lately written: "If the new government in America is unable to procure the aids that are wanted, its whole system may be shaken." The French minister at Philadelphia had reported these words from Greene: "The states in the southern department may struggle a little while longer; but, without more effectual support, they must fall." Washington represented immediate and efficacious succor from abroad as indispensable to the safety of his country; but, combined with maritime superiority and "a decided effort of the allied arms on this continent," so he wrote, "it would bring the contest to a glorious issue." In pressing the demands of congress, its youthful envoy said menacingly that the failure of his mission might drive the Americans back to fight once more against France in the armies of Great Britain. Vergennes complained that an excessive and ever-increasing proportion of the burdens of the war was thrown upon France; yet the cabinet resolved to go far in complying with the request of the United States. Franklin had already obtained the promise of

* Vergennes to Luzerne, 1 February 1781.

a gift of six millions of livres and a loan of four millions; Necker consented to a loan of ten millions more, to be raised in Holland in the name of the king of France.

To insure to the United States the command of the sea, de Grasse, who had the naval command in America, received orders to repair from the West Indies to the north in the course of the year, and conform himself to the counsels of Washington and Rochambeau. On the other hand, the great expense of reinforcing Rochambeau by another detachment from the French army was on Washington's recommendation avoided; and America was left to herself to find men for the struggle on land; but Rochambeau received fresh orders to regard himself as the commander of auxiliary troops, and to put them as well as himself under the orders of Washington.

The French government would have gladly intrusted the disbursement of its gift of six millions to the sole direction of Washington; but such a trust would have roused the jealousy of congress. The first use made of the money was a spendthrift one. Laurens transferred a burdensome contract of South Carolina in Holland to the United States, paid all its arrears out of the French gift and incurred further heavy and, as it proved, useless expenses.

During these negotiations Necker aspired to assume the control of the administration. The octogenarian Maurepas roused himself from apathy, and quietly let him know that the king expected his resignation. "The king had given his word to support me," said Necker, in recounting his fall, "and I am the victim of having counted upon it."

Just at this time there appeared in Paris a new edition of Raynal's philosophic and political History of the Two Indies, with the name of the author on the title-page. His work abounded in declamations against priestcraft, monarchical power, and negro slavery. He described the United States of America as a country that more than renewed the simple heroism of antiquity. Here at last, especially in New England, was found a land that knew how to be happy "without kings and without priests." "Philosophy," he wrote, "desires to see all governments just and every people happy. If the love of justice had decided the court of Versailles to the alli-

ance of a monarchy with a people defending its liberty, the first article of its treaty with the United States should have been, that all oppressed peoples have the right to rise against their oppressors." The advocate-general Segur having drawn up the most minatory indictment of the volumes, Raynal left them to be burnt by the hangman, and escaped to Holland.

The book went into many a library, and its proscription found for it new readers. Its principles infiltrated themselves through all classes of the young men of France, even of the nobility. The new minister of the marine had in the army of Rochambeau a son, and sons of the new minister of war and of the Duke de Broglie were soon to follow. But the philosophers, like the statesmen of France, would not have the United States become too great; they rather desired to preserve for England so much strength in North America that the two powers might watch, restrain, and balance each other.

Prince Kaunitz, in preparing preliminary articles for the peace congress at Vienna, adopted the idea of Vergennes, that the United States should be represented, so that direct negotiations between them and Great Britain might proceed simultaneously with those of the European powers; and his paper was pronounced by Marie Antoinette to be a masterpiece of political wisdom. John Adams was ready to go to Vienna, but only on condition of being received by the mediating powers as the plenipotentiary of an independent state; Spain shunned all mediation, knowing that no mediator would award to her Gibraltar; England as yet would have no negotiation with France till it should give up its connection with America.

Mortified at his ill success, Kaunitz threw the blame of it upon the unreasonable pretensions of the British ministry; and Austria joined herself to the powers which held that the British government owed concessions to America. He consoled his emperor for the failure of the mediation by saying: "As to us, there is more to gain than to lose by the continuation of the war, which becomes useful to us by the mutual exhaustion of those who carry it on and by the commercial advantages which accrue to us so long as it lasts." *

The British ministry was willing to buy the alliance of

* Kaunitz to Joseph II., 8 July 1781.

Catharine by the cession of Minorca, and to propitiate Joseph by opening the Scheldt; but they scoffed at such meagre concessions, and desired large acquisitions in the East and South. Catharine could not conceive why Europe should be unwilling to see Christianity rise again into life and power on the Bosphorus, and gave the hint to Austria to acquire Rome. Joseph aspired to gain the Danube to Belgrade, and all the coast on the Mediterranean from the southernmost point of the Gulf of Drina to the northernmost coasts of the Adriatic, sparing the possessions neither of Turkey nor of the republic of Venice. So Russia and Austria prepared to divide the Orient and Italy between them, knowing that, so long as the war lasted, neither France nor Great Britain could interfere.

Spain had just heard of an insurrection begun by ex-Jesuits in Peru, and supported by Tupac Amaru who claimed descent from the ancient royal family of the Incas. But the first reports were not alarming, and she was still disposed to pursue a separate negotiation with Great Britain. The suggestion of Hillsborough to exchange Gibraltar for Porto Rico was rejected by Florida Blanca; and Richard Cumberland, the British agent at Madrid, having nothing to propose which King Charles was willing to accept, returned from his fruitless expedition. It was known to the British cabinet that South America was disposed to revolt; and that Chili and Peru wished to shake off the Spanish yoke.

The results of the campaign outside of the United States were indecisive. The French again made an unsuccessful attempt to recover the isle of Jersey. The garrison of Gibraltar was once more reduced to a state of famine, and, ere the middle of April, was once more relieved. The English and Dutch fleets encountered each other in August near the Dogger Bank, and for three hours and a half fought within musket-shot. Victory belonged to neither party. The Dutch bore away for the Texel; Hyde Parker, the British admiral, returned to the Nore, to receive a visit from his king, and on the plea of age to refuse to serve longer under so feeble an administration. For the moment the name and fame of Hyder Ali spread from the Mysore through Europe and the United States. On the ninth of May, Pensacola, after a most gallant defence,

was surrendered to the Spaniards; its garrison, promising not to serve during the war against Spain or her allies, was left free to be employed against the United States.

The year 1780 had not gone by when congress informed John Adams of their satisfaction at his defence of their reduction of the value of the paper money and loan certificates of the United States.* Congress for a long time took no notice of the complaint against him as the sole plenipotentiary for peace; but France and America were uniting in preparations for one great campaign in 1781 that should assist to terminate the war, and France, in June of that year, took advantage of the necessities of her ally to gain a control over the negotiations that might follow. The commission of the United States for peace was empowered to conduct the negotiation under the mediation of the emperor of Austria and the empress of Russia. In case "of the backwardness of Great Britain to make a formal acknowledgment of independence, it was at liberty to agree to a truce, provided that that power be not left in possession of any part of the thirteen United States." Luzerne insisted on making its instructions such as would leave the negotiation of both countries in the hands of the king of France. In repeated interviews with a special committee of congress he sounded the alarm, that a war on the continent of Europe might disable France from continuing the powerful diversions which thus far had been the salvation of the United States, so that England would be left at liberty to fall upon them with her undivided strength; that, while in their ultimatum they should include every concession to which they could ever consent, they should still hope that at the peace France would procure for them complete satisfaction.

On the eleventh of June the instructions, as amended by Luzerne, were laid before congress for its acceptance. The commission of the United States was to insist on no points but independence and the validity of the treaties with Louis XVI. "As to disputed boundaries"—that is, whether New England should extend to the Penobscot or the St. Croix, whether New York should resign all lands within the watershed of the St. Lawrence, whether the republic should touch

* Journals of Congress, iii., 355.

the Mississippi or stop at the crest of the Alleghanies—"and as to other particulars"—that is, the fisheries and the compensation of loyalists for their confiscated property—it was left at liberty to act "as the state of the belligerent" France "might require." For this purpose it was charged "to undertake nothing in the negotiations for peace or truce without the knowledge and concurrence of the ministers of France, and ultimately to govern themselves by their advice and opinion."

These amendments were debated in a body which was conscious of its dependence on France for the chances of victory in the coming campaign; and they were accepted by Georgia, South Carolina, North Carolina, Virginia, and New Jersey, all of which were wholly or in part held by the enemy. Jenifer, who was always disinclined to an extended boundary, was dragged from a sick-bed to assist in casting the vote of Maryland. The seventh vote, which was still needed, was sought in New England. Luzerne had made a personal appeal to Huntington of Connecticut, then president of congress; but though he showed great moderation, and would have sacrificed the western lands of his own commonwealth rather than delay the peace, neither he nor Sherman could brook the thought of the British sweeping down in the rear of the country and occupying as their territory the lands which now form the states of Ohio, Indiana, Illinois, and Michigan. But Sullivan, who had borrowed money from the minister of France, secured the amendments by the vote of his state.

The committee of congress, which had conferred with the minister of France, next reported as their opinion that some persons be joined with John Adams in negotiating the treaty of peace; but, when the question came to be taken, congress proved mindful of the great services that Adams had rendered the country, and New Jersey by the vote of Witherspoon, and Virginia under the lead of Madison, voted with all New England in the negative.* The honor of Adams having thus been vindicated, the vote was reconsidered, and, on successive ballots, Jay, Franklin, Henry Laurens, and Jefferson were chosen his colleagues in the commission. In the

* Compare Witherspoon in New York Historical Collection for 1878, p. 99.

election of Franklin, Sullivan, acting in concert with Luzerne, rendered service.

A further important change was made. The ultimatum of America of the fourteenth of August 1779, for peace, covered the boundaries but not the fisheries. The instructions of the fifteenth of June 1781 included neither of the two, but the instruction of August 1779, making the fisheries an ultimatum in the treaty of commerce, remained unrevoked. Madison, therefore, on the twenty-ninth of June 1781, moved that no treaty of commerce should be made with Great Britain unless, in addition to the fisheries, it embraced in the ultimatum the boundaries. This vote was lost by six against five. To restore impartiality, Madison, on the twelfth of July 1781, proposed to revoke the commission given to John Adams for negotiating a treaty of commerce. This proposition was agreed to by eight states against New Hampshire, Massachusetts, and Connecticut.

"Congress have done very well," wrote John Adams to Franklin, "to join others in the commission for peace who have some faculties for it. My talent, if I have one, lies in making war." "The measure is better calculated to give satisfaction to the people of America in all parts, as the commissioners are chosen from the most considerable places in that country." From the wide dissemination of the principles of the American revolution he already saw clearly that "despotisms, monarchies, and aristocracies must conform to them in some degree in practice, or hazard a total revolution in religion and government throughout all Europe." *

The kingdom of Ireland had been subjected to all the restrictions of the colonial system, and others of its own. It now gained a more complete emancipation of its trade through loyalty than could have been won through insurrection. When the tidings from Lexington and Bunker Hill arrived, its parliament voted that "it heard of the rebellion with abhorrence, and was ready to show to the world its attachment to the sacred person of the king." Lord North obtained its leave to employ four thousand men of the Irish army for service in America. That army should, by law, have consisted of twelve thousand

* Diplomatic Correspondence, vi., 159, 150, 186.

men; but it mustered scarcely more than nine thousand. Out of these, the strongest and best, without regard to the prescribed limitation of numbers, were selected; and eight regiments, all that could be formed, were shipped across the Atlantic. Ireland itself being left defenceless, its parliament offered the national remedy of a militia. This was refused by Lord North; and, in consequence, instead of a force organized and controlled by the government, self-formed bands of volunteers started into being. After reflection, the militia bill was sent over for enactment; but the opportunity had been missed; the Irish parliament had learned to prefer volunteer corps supported by the Irish themselves. When, in 1778, it appeared how much the commissioners sent to America had been willing to concede to insurgents for the sake of reconciliation, the patriots of Ireland awoke to a sense of what they might demand. Their leader was Henry Grattan, who, in a venal age and in a venal house of commons, was incorruptible. No one heard the eloquence of Chatham with more delight; and no one has sketched in more vivid words the character of the greatest Englishman of that age. At the opening of the session of October 1779, Grattan, then but thirty-three years of age, and for hardly four years a member of the house, moved an amendment to the address, that the nation could be saved only by free export and free import, or, according to the terser words that were finally chosen, by free trade. The friends of government dared not resist the amendment, and it was carried unanimously. New taxes were refused. The ordinary supplies, usually granted for two years, were granted for six months. The house was in earnest; the people were in earnest; an inextinguishable sentiment of nationality was aroused; and fifty thousand volunteers stood in arms under officers of their own choosing. Great Britain being already tasked to the uttermost, Lord North gave way, and persuaded the British parliament to concede the claim of Ireland to commercial equality with England and Scotland.

CHAPTER II.

THE SOUTHERN CAMPAIGN. THE SEPARATE COMMAND OF MORGAN.

1780–1781.

Congress, on the sixteenth of June 1780, directed "Daniel Morgan of the Virginia line," with his old rank of colonel, to be "employed in the southern army as Major-General Gates should direct." Morgan had been justly aggrieved at the slight recognition by Gates of his services in the capture of Burgoyne. But, when he heard of the defeat at Camden and the dispersal of the American army, he hastened to the scene of disaster, and before the end of September arrived at Hillsborough. There Gates was doing all that he could to draw together the remains of the regular army. The militia of North Carolina joined him in considerable force. Marion was in the neighborhood of the Santee, and Sumter on the west of that river; Davie of North Carolina, with dragoons and mounted riflemen, had repaired to the Waxhaw settlement; Colonel Clark, at the head of exiles from Georgia and South Carolina, was near Augusta; the mountaineers of the West, under Campbell, Cleaveland, Williams, Sevier, Shelby, MacDowell, and others, were gathering for a descent upon the British posts in South Carolina and Georgia; Cornwallis was planning junction of his forces at Charlotte, with the intention of proceeding into Virginia.

The governor of North Carolina, holding "Colonel Morgan's character as a soldier to be well known in America" and his presence sure to give spirit to his countrymen, requested him to take command of a regiment of the militia of North Carolina. This Morgan declined, for Gates received

him with cordiality and destined him for special service. Men enough to fill four companies were chosen out of two battalions and formed into a light infantry battalion, which, with the company of riflemen of Captain Rose, had Lieutenant-Colonel Howard for its chief; the remains of two regiments of cavalry were united under Lieutenant-Colonel William Washington; and the whole were constituted a separate corps in the command of Morgan. Nor was Morgan without powerful friends. Jefferson, the governor of Virginia, who was keen-sighted in discerning all the resources of that extensive commonwealth, and Rutledge, the great chief magistrate of South Carolina, with the approval of Gates, wrote letters to congress that the public service in the southern department would be greatly advanced by his promotion to the rank of brigadier-general.* By their joint influence, on the thirteenth of October, six days after the battle of King's Mountain, he was promoted to that rank in the army of the United States. Colonel Otho Williams, then the adjutant-general of the southern army, congratulated him "on the justice" congress had done him.

On the day following the promotion of Morgan, Washington, acting under a power delegated to him by congress, announced his selection of Major-General Greene to relieve Gates of the chief command in the southern department. On the thirtieth of October, congress, confirming the nomination of Greene, assigned to him all the regular troops raised or to be raised in Delaware and the states south of it; and conferred on him all the powers that had been vested in Gates, but "subject to the control of the commander-in-chief." Thus the conduct of the war obtained, for the first time, the unity essential to success.

Washington was in danger of being shortly without men; yet he detached for the service in the Carolinas Lieutenant-Colonel Henry Lee, his best cavalry officer, with the corps

* The date of these letters is not given in the vote of congress, but, as the vote rather implies an agreement between the three whose letters are cited, and as the writers of them were far distant from each other and from congress, the movement for Morgan's promotion as brigadier could not have begun much later than the appointment of Gates to the southern command.

called the legion, consisting of three troops of horse and three companies of infantry: in all, three hundred and fifty men. Hamilton, weary of the silent tasks of a secretary, and impatient to gain a name in the world by the command of troops in the light of day, having for his object "to act a conspicuous part in some enterprise that might raise his character as a soldier above mediocrity," spoke to Washington about going to the southward with Greene; but he could not at the time be spared by the commander-in-chief, and reluctantly yielded. For Greene, Washington prepared a welcome at the South, writing to George Mason: "I introduce this gentleman as a man of abilities, bravery, and coolness. He has a comprehensive knowledge of our affairs, and is a man of fortitude and resources. I have not the smallest doubt, therefore, of his employing all the means which may be put into his hands to the best advantage, nor of his assisting in pointing out the most likely ones to answer the purposes of his command." "General Washington's influence," so Greene wrote to Hamilton, "will do more than all the assemblies upon the continent. I always thought him exceedingly popular, but in many places he is little less than adored and universally admired. From being the friend of the general, I found myself exceedingly well received."

At Charlotte, where Greene arrived on the second of December, he received a complaint from Cornwallis respecting the execution of prisoners after the fight at King's Mountain, coupled with a threat of retaliation. Avowing his own respect for the principles of humanity and the law of nations, Greene answered by sending him a list of about fifty men who had been hanged by Lord Cornwallis himself and others high in the British service; and he called on mankind to sit in judgment on the order of Lord Cornwallis to Balfour after the action near Camden, on Lord Rawdon's proclamation, and on the ravages of Tarleton. No American officer in his department, in any one instance, imitated the cruelties systematically practised by the British. Sumter spared all prisoners, though the worst men were among them. Marion was famed for his mercy. Cruelty was never imputed to Williams, Pickens, or any other of the American chiefs. But the British officers continued to

ridicule the idea of observing capitulations with Americans, insisting that those who claimed to be members of an independent state could derive no benefit from any solemn engagement, and were but vanquished traitors who owed their lives to British clemency.

In the course of the winter Colonel William Cunningham, under orders from Colonel Balfour at Charleston, led one hundred and fifty white men and negroes into the interior settlements. On his route he killed about fifty of those whom he suspected of being friends to the United States, and burned their habitations. At length he came to a house which sheltered an American party of thirty-five men under Colonel Hayes. These refusing to surrender at discretion, a fire from both sides was kept up for about three hours, when the British succeeded in setting the house in flames. In this extremity the besieged capitulated under the agreement that they should be treated as prisoners of war until they could be exchanged. The capitulation was formally signed and interchanged; and yet the Americans had no sooner marched out than the British hanged Colonel Hayes to the limb of a tree. The second in command was treated in like manner, after which Cunningham, with his own hands, slew some of the prisoners, and desired his men to follow his example. One of them traversed the ground where his old neighbors and acquaintances lay dead and dying, and ran his sword through those in whom he saw signs of life. These facts were afterward established by a judicial investigation.

Gates, before his departure, had brought together two thousand three hundred and seven men, of whom a little more than one half were militia. "Eight hundred were properly clothed and equipped." Greene was by nature firm and adventurous and rapid in decision; now, when after four years' service he assumed the chief command in the southern department, he avoided every risk and carried caution almost to irresolution.

The country round Charlotte had been ravaged. Sending Kosciuszko in advance to select a site for an encampment, Greene marched his army to the head of boat navigation on the Pedee. There, in a fertile and unexhausted country, at the falls of the river, he established what he named "a camp of

repose" to improve the discipline and spirits of his men, and "to gain for himself an opportunity of looking about," leaving Morgan and the corps which Gates had confided to his separate command as the sole object of attraction to the army of Cornwallis.

Morgan, with his small detached force, crossed the Catawba just below the mouth of the Little Catawba, and, passing Broad river, on the twenty-fifth of December encamped on the north bank of the Pacolet. Here he was joined by mounted Carolinians under Colonel Pickens, and Georgians under Major McCall. General Davidson of North Carolina on the twenty-ninth brought one hundred and twenty men into his camp, but left immediately to collect more. Morgan was at that time the ablest commander of light troops in the world; in no European army of that day were there troops like those which he trained. Instructed in vigilance by life in the backwoods, he had organized a system for obtaining speedy and exact information as to the designs and movements of his disproportionately powerful enemy. Greene offered him wagons. "Wagons," he answered on the last day of the year 1780, "would be an impediment whether we attempt to annoy the enemy or provide for our own safety. It is incompatible with the nature of light troops to be encumbered with luggage."

Hearing that a large party of Georgia tories was plundering the neighborhood of Fair Forest, Morgan sent Lieutenant-Colonel William Washington with his own regiment and mounted riflemen under McCall, to attack them. Coming up with them at about twelve o'clock on the thirtieth, William Washington extended his mounted riflemen on their wings, and charged them in front with his own cavalry. The tories fled after great loss in battle, leaving forty as prisoners.

Cornwallis—who, when joined by the reinforcement of two thousand men sent to him from New York by way of Charleston, under Leslie, could advance with thirty-five hundred fighting men—was impatient of the successes of Morgan, and resolved to intercept his retreat. On the second of January 1781 he ordered Tarleton, the officer on whom he most relied, to cross Broad river, writing: "Dear Tarleton—If Morgan is still any-

where within your reach, I shall wish you to push him to the utmost. No time is to be lost." Tarleton answered by promising either to destroy Morgan's corps or push it before him over Broad river toward King's Mountain; and he wished the main army to advance, so as to be ready to capture the fugitives. "I feel bold in offering my opinion," he wrote, "as it flows from well-founded inquiry concerning the enemy's designs." To this Cornwallis replied: "You have understood my intentions perfectly."

Morgan had reported to Greene: "Forage and provisions are not to be had; here we cannot subsist." In consequence of the exhausted condition of the country in which he was stationed, his whole force could never be kept together. Parties from necessity were always straggling in search of food. He had requested Greene to recall his detachment to the main army, or to suffer him to pass into Georgia; neither of these requests being approved of, he next asked that a diversion might be made in his favor. This request, too, Greene saw reasons for declining. The danger to Morgan was imminent, for the light troops of the British were pursuing him on the one side, and their main army preparing to intercept his retreat on the other. On the fourteenth Tarleton passed the Enoree and Tyger rivers above the Cherokee ford. On the afternoon of the fifteenth Morgan encamped at Burr's Mills on Thickety creek; and wrote to Greene his wish to avoid an action. "But this," he added, "will not be always in my power." His scouts informed him that Tarleton had crossed the Tyger at Musgrove's Mills with a force of eleven or twelve hundred men. On the sixteenth he put himself and his party in full motion toward Broad river, while in the evening his camp of the morning was occupied by Tarleton's party. The same day Cornwallis with his army reached Turkey creek.

In South Carolina, where the grass is springing through every month of winter, cattle in those days grazed all the year round; never housed, nor fed by the hand of man, but driven from time to time into cowpens, where the owners gave salt to the herd and each one marked those which were his own. Two miles from such an enclosure, on a wide plain covered with primeval pines and chestnut and oak, about sixteen miles from

Spartanburg, seven miles from the Cherokee ford on the Broad river, and a little less than five miles from the line of North Carolina, Morgan encamped his party for the night. His former position subjected him at once to the operations of Cornwallis and Tarleton, and, in case of a defeat, his retreat might have easily been cut off; at the Cowpens he was in a position to improve any advantage he might gain, and to provide better for his own security should he be unfortunate. With a noble confidence in himself, in his officers, and in his men, Morgan resolved to give battle to his pursuers. In the evening he moved among his fellow-soldiers, sustaining their cheerfulness. During the night Pickens returned from a short absence with more than a hundred militia, and another party of fifty came in. The moment was come when it was safest to fight.

On the seventeenth, at an hour before daylight, Morgan, through his excellent system of spies, knew that Tarleton's troops were approaching his camp. His own men, numbering eighty cavalry and two hundred and thirty-seven infantry of the troops of the United States, and five hundred and fifty-three militia from the states of Virginia, North Carolina, South Carolina, and Georgia, quietly breakfasted and prepared for battle. The ground chosen was an open wood between the springs of two little rivulets, with a slight ridge extending from one of them to the other. The wood was free from undergrowth; no thicket offered covert, no swamp a refuge from cavalry. The best troops were placed in line on the rising ground. The Maryland light infantry, commanded by Lieutenant-Colonel Howard, formed the centre; two companies of approved Virginia riflemen were on each wing. Lieutenant-Colonel William Washington and his cavalry were placed as a reserve out of sight and out of fire. The volunteers from the Carolinas and Georgia were posted under Pickens in advance, so as to defend the approaches. About sixty sharpshooters of the North Carolina volunteers were to act as skirmishers on the right flank one hundred and fifty yards in front of the line, and as many more of the Georgians at the same distance on the left.

Tarleton's troops, numbering a little more than eleven hun-

dred, having two field-pieces and a great advantage in bayonets and cavalry, after a march of twelve miles, came in sight at eight o'clock, and drew up in a single line of battle. The legion infantry formed their centre with the seventh regiment on the right, the seventy-first on the left, and two light companies of a hundred men each on the flanks. The artillery moved in front. Tarleton, with two hundred and eighty cavalry, was in the rear. No sooner were they formed than their whole line rushed forward with the greatest impetuosity and with shouts. They were received by a heavy and well-directed fire—first from the American skirmishers, and then from the whole of Pickens's command; but their superiority of numbers enabled them to gain the flanks of the Americans, who were thus obliged to change their position. They drew back in good order about fifty paces, formed, advanced on the enemy and gave them a volley which threw them into disorder. The Virginia riflemen, who had kept their places, instinctively formed themselves on the sides of the British, so that they who two or three minutes before had threatened to turn the Americans found themselves as it were within a pair of open pincers, exposed to the converging oblique fire of two companies of sharpshooters on each flank and a direct fire in front. Lieutenant-Colonel Howard perceived the wavering of the British and gave orders for the line to charge with bayonets, which was done with such address that the enemy fled with the utmost precipitation, leaving their field-pieces behind them. The Americans followed up their advantages so effectually that the British had no opportunity of rallying. Lieutenant-Colonel William Washington, having been informed that Tarleton was cutting down the riflemen on the left, pushed forward and charged his party with such firmness that they broke their ranks and fled, while Tarleton made no attempt to recover the day. They were completely routed and were pursued twenty-four miles by the cavalry.

Of the Americans, only twelve were killed and sixty wounded. Of the enemy, ten commissioned officers were killed, and more than a hundred rank and file; two hundred were wounded; twenty-nine commissioned officers and more than five hundred privates were taken prisoners, beside seventy

negroes. Two standards, upward of a hundred dragoon horses, thirty-five wagons, eight hundred muskets, and two field-pieces that had been taken from the British at Saratoga and retaken at Camden, fell into the hands of the victors. The immense baggage of Tarleton's party, which had been left in the rear, was destroyed by the British themselves. "Our success," wrote the victor in his modest report, "must be attributed to the justice of our cause and the gallantry of our troops. My wishes would induce me to name every sentinel in the corps."

The victory came because the officers were excellent; the men, of whom every one was at heart a volunteer, were bent on doing their whole duty, and sure that their general knew how to command them. Every officer and soldier felt himself one with his general in will, council, and action. Congress, attempting to sum up the merit of Morgan in three words, instinctively wrote: "*Virtus unita valet*, United virtue prevails." * The army was fashioned by its general into one life, one devotedness, one energy. "It is impossible," so, on the day after the battle, wrote Cornwallis, the nearest and most deeply interested observer, to the British commander-in-chief in America, "it is impossible to foresee all the consequences that this unexpected and extraordinary event may produce." "As the defeat of Ferguson at King's Mountain made" to Lord Cornwallis "the first invasion of North Carolina impossible," so Tarleton foresaw that "the battle of Cowpens would make the second disastrous."

The battle was ended two hours before noon. The prudence of Morgan was equal to his daring. Aware that the camp of Cornwallis at Turkey creek was within about twenty miles of him and nearer the fords of the Catawba through which he must retire, Morgan destroyed the captured baggage-wagons, paroled the British officers, intrusted the wounded to the care of the few residents of the neighborhood, and, leaving his cavalry to follow him on their return from the pursuit, on the day of the battle he crossed the Broad river with his foot

* The controversial writings of the English officers on this campaign are numerous; they are the more instructive because controversial. They have all been consulted, as well as the observations of the French major-general Chastellux, who made a careful study of the battle of the Cowpens. Morgan's Life, by James Graham, includes his too few remaining papers of historical interest.

soldiers and his prisoners, the captured artillery, muskets, and ammunition. Proceeding by easy marches of ten miles a day, on the twenty-third he crossed the Catawba at Sherrald's ford. Taking for his troops a week's rest in his camp north of the river, he sent forward his prisoners to Salisbury, under the guard of Virginia militia whose time of service had just expired. They were soon beyond the Yadkin on their way to Virginia.

The fame of the great victory at the Cowpens spread in every direction. Greene announced it in general orders, and his army saluted the victors as "the finest fellows on earth, more worthy than ever of love." Rutledge of South Carolina repeated their praises, and rewarded Pickens with a commission as brigadier. Davidson of North Carolina wrote that the victory "gladdened every countenance, and paved the way for the salvation of the country." The state of Virginia voted to Morgan a horse and a sword in testimony of "the highest esteem of his country for his military character and abilities so gloriously displayed." The United States in congress placed among their records "the most lively sense of approbation of the conduct of Morgan and the men and officers under his command." To him they voted a gold medal, to Howard and William Washington medals of silver, and swords to Pickens and Triplet.

Cornwallis had entreated Tarleton to make haste and attack the light troops of Morgan, but had neglected measures to support him. In the condition of affairs he had no good part to take but to remain in South Carolina and recover the mastery there if he could; but all his proud hopes rested on a successful campaign in Virginia. The day after the battle he wrote to Sir Henry Clinton: "Nothing but the most absolute necessity shall induce me to give up the important object of the winter's campaign. Defensive measures would be certain ruin to the affairs of Britain in the southern colonies." On his own responsibility and against the opinion of his superior officer, he persisted in his plan of striking at the heart of North Carolina, establishing there a royal government, and pressing forward to a junction with the British troops on the Chesapeake.

Leaving Lord Rawdon with a considerable body of troops to defend South Carolina, Cornwallis, with the reinforcement which Leslie had brought him, began his long march, which he meant should have been a hot pursuit of Morgan, by avoiding the lower roads, there being so few fords in the great rivers below their forks. On the twenty-fifth he collected his army at Ramsower's mill, on the south fork of the Catawba. Impatient of being encumbered and delayed there, he resolved to give up his communications with South Carolina and to turn his army into light troops. The measure, if not in every respect absurd, was adopted too late. Two days he devoted to destroying baggage and all wagons except those laden with hospital stores, salt, and ammunition, and four reserved for the sick and wounded, thus depriving his soldiers even of a regular supply of provisions. Then, by forced marches through floods of rain, he approached the river, which, having risen too high to be forded, stopped his march till its waters should subside.

Morgan from the first had divined the policy of Cornwallis, and, on the twenty-fifth of January, had written to Greene advising a junction of their forces. On the morning of the thirtieth of January, Greene arrived at Morgan's encampment, attended only by a few dragoons. He readily adopted his advice, and on that very day gave orders to the army on the Pedee to prepare to form a junction at Guilford court-house with those under Morgan, with whom he remained.

On the first day of February, Cornwallis, with a part of his army, passed the Catawba at Macgowan's ford. The dark stream was near five hundred yards wide, with a rocky bottom and a strong current, and was perseveringly disputed by General Davidson of North Carolina with three hundred militia, till in resisting the landing a volley of musketry was aimed at him with deadly effect. In him fell one of the bravest and best of those who gave their lives for the independence of their country. Forty of the British light infantry and grenadiers were killed or wounded; the horse which Cornwallis rode was struck while in the stream, but reached the shore before falling. The other division passed the Catawba at Beattie's ford, and the united army encamped about five miles from the river on the road to Salisbury.

On the second and third of February the American light infantry, continuing their march, with the British at their heels, crossed the Yadkin at the Trading ford, partly on flats, during the latter part of the time in a heavy rain. The river, after the Americans were safe beyond it and Morgan had secured all water craft on its south side, rose too high to be forded. The Americans looked upon Providence as their ally.

Cornwallis was forced to lose two days in ascending the Yadkin to the so-called Shallow ford, where he crossed on the seventh, and on the night of the ninth encamped near the Moravian settlement of Salem. There, near the edge of the wilderness, in a genial clime and on a bountiful soil, hospitable emigrants, bound by their faith never to take up arms, had chosen their abodes; and for their sole defence had raised the symbol of the triumphant Lamb. Among them equality reigned. No one, then or thereafter, was held in bondage. There were no poor, and none marked from others by their apparel or their dwellings. Everywhere appeared simplicity and neatness. The elders watched over the members of the congregation, and incurable wrong-doers were punished by expulsion. After their hours of toil came the hour for prayer, exhortations, and the singing of psalms and hymns. Under their well-directed labor the wilderness blossomed like the rose.

On the same day, at the distance of five-and-twenty miles from Cornwallis, the two divisions of the American army effected their junction at Guilford court-house. Then General Morgan, emaciated and crippled by combined attacks of fever and rheumatism, took a leave of absence. Never again during the war was he able to resume a command. Wherever he appeared he had heralded the way to daring action, and almost always to success. In 1774, when he was at the mouth of the river Hockhocking on the return from a victorious Indian campaign, he and other triumphant Virginians, hearing that New England was preparing to resist in arms encroachments on their liberty, pledged their support to the people of Boston. In the early summer of 1775 he raised a company of ninety-six riflemen, and in twenty-one days, without the loss of one of them, marched them from West Virginia

to Boston. He commanded the van in the struggle through the wilderness to Canada. Thrice he led a forlorn hope before Quebec. To him belongs the chief glory of the first great engagement with Burgoyne's army, and he shared in all that followed till the surrender; and now he had won at the Cowpens the most astonishing victory of the war. He took with him into retirement the praises of all the army and of the chief civil representatives of the country.

CHAPTER III.

THE SOUTHERN CAMPAIGN OF GREENE.

FEBRUARY–SEPTEMBER 1781.

MORGAN's success lighted the fire of emulation in the breast of Greene, and he was "loth it should stand alone." To one of his subordinate officers on the Pedee he wrote: "Here is a fine field and great glory ahead." On the day of his meeting Morgan he wrote to "the famous Colonel William Campbell" to "bring without loss of time a thousand good volunteers from over the mountains." A like letter was addressed to Shelby, though without effect. To the officers commanding in the counties of Wilkes and Surry, Greene said: "If you repair to arms, Lord Cornwallis must be inevitably ruined." He called upon Sumter, as soon as his recovery should permit, to take the field at the head of the South Carolina militia; he gave orders to General Pickens to raise troops in the district of Augusta and Ninety-Six, and hang on the rear of the enemy; and he sought out powerful horses and skilful riders to strengthen the cavalry of William Washington.

The two divisions of the American army, after effecting their junction at Guilford court-house, were still too weak to offer battle. Edward Carrington of Virginia, the wise selection of Greene for his quartermaster, advised to cross the Dan at the ferries of Irwin and Boyd, which were seventy miles distant from Guilford court-house and twenty miles below Dix's ferry, and where he knew that boats could be collected. The advice was adopted. Greene placed under Otho Williams the flower of his troops as a light corps, which on the morning of the tenth sallied forth to watch Cornwallis, to pre-

vent his receiving correct information, and to lead him in the direction of Dix's ferry by guarding its approaches. They succeeded for a day or two in perplexing him.

Meantime, the larger part of the army under Greene, without tents, poorly clothed, and for the most part without shoes, "many hundreds of the soldiers tracking the ground with their bloody feet," retreated at the rate of seventeen miles a day along wilderness roads where the wagon-wheels sunk deep in mire and the creeks were swollen by heavy rains. On the fourteenth of February 1781 they arrived at the ferries. Greene first sent over the wagons, and at half-past five in the afternoon could write "that all his troops were over and the stage clear."

So soon as Cornwallis gained good information, he pursued the light troops at the rate of thirty miles a day, but he was too late. On the evening of the fourteenth, Otho Williams, marching on that day forty miles, brought his party to the ferries. The next morning Cornwallis arrived, only to learn that the Americans, even to their rear-guard, had crossed the river the night before.

On the four days' march from Guilford court-house Greene scarcely slept four hours; and his care was so comprehensive that nothing, however trifling, was afterwards found to have been overlooked or neglected. "Your retreat before Cornwallis," wrote Washington, "is highly applauded by all ranks, and reflects much honor on your military abilities." "Every measure of the Americans," so relates a British historian, "during their march from the Catawba to Virginia was judiciously designed and vigorously executed." Special applause was justly awarded to Carrington and to Otho Williams. In the camp of Greene every countenance was lighted up with joy. Soldiers in tattered garments, with but one blanket to four men, without shoes, regular food, or pay, were happy in the thought of having done their duty to their country; they all were ready to recross the Dan and attack.

After giving his troops a day's rest, Cornwallis moved by easy marches to Hillsborough, where on the twentieth he invited by proclamation all loyal subjects in the province to repair to the royal standard, being ready to concur with them in re-establishing the government of the king.

No sooner had the British left the banks of the Dan than Lee's legion recrossed the river. They were followed on the twenty-first by the light troops, and on the twenty-second by Greene with the rest of his army, including a reinforcement of six hundred militia-men of Virginia.

The loyalists of North Carolina, inferring from the proclamation of Cornwallis that he was in peaceable possession of the country, rose in such numbers that seven independent companies were formed in one day; and Tarleton with the British legion was detached across the Haw river for their protection. By the order of Greene, Pickens, who had collected between three and four hundred militia, and Lee formed a junction and moved against both parties. Missing Tarleton, they fell in with three hundred royalists under Colonel Pyle, and routed them with "dreadful carnage." Tarleton, who was refreshing his legion about a mile from the scene of action, hurried back to Hillsborough, and all royalists who were on their way to join the king's standard returned home. Cornwallis describes his friends as timid, "the rebels" as "inveterate."

To compel Greene to accept battle, Cornwallis on the twenty-seventh moved his whole force across the Haw, and encamped near Allemance creek. For seven days Greene lay within ten miles of the British, but baffled them by taking a new position every night. No fear of censure could hurry his determined mind to hazard an engagement. He waited till he was joined by the south-west Virginia militia under William Campbell, by another brigade of militia from Virginia under General Lawson, by two from North Carolina under Butler and Eaton, and by four hundred regulars raised for eighteen months. Then on the fourteenth of March he encamped near the Guilford court-house, within eight miles of the British forces.

At dawn of day on the fifteenth, Cornwallis, having sent off his baggage under escort, set in motion the rest of his army, less than nineteen hundred in number, but all of them veteran troops of the best quality. To oppose them, Greene had sixteen hundred and fifty-one men equal to the best of the British, and more than two thousand militia—in all, twice as many as his antagonist. But he had given himself little rest since he

left his camp on the Pedee; and on this most eventful day of his life he found himself worn out with constant watching.

The ground on which his army was to be drawn up was a large hill, surrounded by other hills and almost everywhere covered with forest-trees and a thick undergrowth. To receive the enemy, he selected three separate positions: the first, admirably chosen; the second, three hundred yards in the rear of the first, was entirely in the woods; between one quarter and one third of a mile in the rear of the second was the third position, where he drew up his best troops obliquely, according to the declivities of a hill on which they were posted, most of them in a forest. The positions were so far apart that they could give each other no immediate support; so that Cornwallis had to engage, as it were, three separate armies, and in each engagement would have a superiority in numbers. Greene persistently differed with the commander-in-chief on the proper manner of using militia; Washington held that they should be used as a reserve to improve an advantage, while Greene insisted that they ought to be placed in front; and he now acted on his own opinion.

The position selected for the first line is described by Greene as the most advantageous he ever saw. It was on the skirt of the wood, protected on the flanks and rear, having in the centre a fence, with open ground over which the British army was obliged to advance, exposed to a fire that must have torn them in pieces had they encountered troops who would have stood their ground. Here Greene placed the two brigades of North Carolina militia, not quite eleven hundred in number, his poorest troops, suddenly called together, ignorant of war, of each other, and of their general officers. On their right were posted two six-pounders, and Lieutenant-Colonel William Washington with an able corps of observation; on their left a like corps was formed of Lee's command and the van of the transmontane riflemen.

The battle began with cannonading about one in the afternoon. The undivided force of Cornwallis displayed into line, advanced at quick step, gave their fire, shouted, and rushed forward with bayonets. While they were still in the open field, at a distance of one hundred and forty yards, the North

Carolina brigade fled, "none of them having fired more than twice, very few more than once, and near one half not at all." Lee's command was separated from the main army, which they did not rejoin till the next day.

Without pausing to take breath, the British line, which had not escaped without loss, advanced to attack the second position of the Americans, defended by the Virginia brigade. The men were used to forest warfare, and they made a brave and obstinate resistance. They discharged their pieces, drew back behind the brow of the hill to load, and returned to renew their fire. In dislodging some Americans from their post on a woody height, the ranks of the first battalion of the guards were thinned and many of their officers fell. The Virginia brigade did not retreat till the British drew near enough to charge with the bayonet.

The British army, though suffering from fatigue and weakened by heavy losses, pressed forward to the third American line, where Greene was present. A fierce attack was made on the American right by Colonel Webster with the left of the British. After a long and bloody encounter, the British were beaten back by the continentals, and were forced with great loss to recross a ravine. Webster was mortally wounded.

The second battalion of the guards, led by Lieutenant-Colonel Stewart, broke through the second Maryland regiment, captured two field-pieces, and pursued their advantage into more open ground. Immediately Lieutenant-Colonel William Washington, who had brought his cavalry once more into the field, made a charge upon them with his mounted men; and the first regiment of Marylanders, led by Gunby and seconded by Howard, engaged with their bayonets. Stewart fell under a blow from Captain Smith; and the British party was driven back with great slaughter and the loss of the cannon which they had taken. The first battalion of the guards, although already crippled, advanced against the Americans. A severe American fire on its front and flanks completely threw them into disorder. At this moment Du Puy's Hessian regiment, which had thus far suffered but little, came up in compact order on the left of the guards, who rallied behind them, renewed the attack, and in turn defeated the Americans.

The British army appeared to be gaining the American right. The battle had raged for two hours. Greene could still order into the fight two Virginia regiments of continentals, of which one had hardly been engaged, the other had been withheld as a reserve; but he hesitated. After deliberating for some moments, not knowing how much the British had suffered, he left his cannon and the field to the enemy, and used his reserve only to cover the retreat of his army. The last as well as the first in the engagement were the riflemen of Campbell, who continued firing from tree to tree till the cavalry of Tarleton compelled them to fly. After the Americans were encamped in safety, Greene fainted from exhaustion, and, on recovering consciousness, remained far from well.

Although the battle at Guilford marks the end of the power of the British in North Carolina, no praise is too great for the conduct of their officers and troops throughout the day. On their side, five hundred and seventy were killed or wounded; and their wounded, dispersed over a wide space of country, asked for immediate care. Of the Americans, the loss was, of continentals, three hundred and twenty-six; of the militia, ninety-three. But nearly three hundred of the Virginia militia and six hundred of those of North Carolina, their time of service having almost expired, seized the occasion to return home.

Virginia furnished to the army that fought at Guilford sixteen hundred and ninety-three of her militia and seven hundred and seventy-eight of her continental troops. "The great reinforcements," wrote Cornwallis to Germain, "sent by Virginia to General Greene while General Arnold was in the Chesapeake, are convincing proofs that small expeditions do not frighten that powerful province." Its act of magnanimity was deliberate. "Your state," wrote Washington to Jefferson, its governor, "will experience more molestation; but the evils from predatory incursions are not to be compared to the injury of the common cause. I am persuaded the attention to your immediate safety will not divert you from the measures intended to reinforce the southern army. The late accession of force makes the enemy in Carolina too formidable to be resisted without powerful succors from Virginia." And he gave

orders to Steuben: "Make the defence of the state as little as possible interfere with the measures for succoring General Greene. Everything is to be apprehended if he is not powerfully supported from Virginia." Jefferson made the advice of Washington his rule of conduct, though by it he laid himself open to perverse accusations in his own state. On the third day after the battle Greene wrote to Washington: "Virginia has given me every support I could wish."

In his report of the day of Guilford, Greene hardly did himself justice; public opinion took no note of his mistakes in the order of battle. What they did observe was the fortitude with which he set about retrieving his defeat.

On the eighteenth, Cornwallis, committing his wounded to the care of the Americans, with his victorious but ruined army began his flight; and, as he hurried away, distributed by proclamation news of his victory, offers of pardon to repentant rebels, and promises of protection to the loyal. He was pursued by Greene, who was eager to renew the battle. On the morning of the twenty-eighth the Americans arrived at Ramsay's Mills, on Deep river; but Cornwallis had just a few hours before crossed the river on a temporary bridge. No longer in danger of being overtaken, he moved by way of Cross creek, now Fayetteville, toward Wilmington. His rapid march through a country thinly inhabited left no tracks which the quickening of spring did not cover over, except where houses were burnt and settlements broken up. It taught the loyalists of North Carolina that they could find no protection from British generals or the British king. All North Carolina, except Wilmington, was left to the Americans.

"From the report of Cornwallis," said Fox, on the twelfth of June, to the house of commons, "there is the most conclusive evidence that the war is impracticable in its object and ruinous in its progress. In the disproportion between the two armies, a victory was highly to the honor of our troops; but, had our army been vanquished, what course could they have taken? Certainly they would have abandoned the field of action and flown for refuge to the sea-side; precisely the measures the victorious army was obliged to adopt." And

he moved the house of commons to recommend to the ministers every possible measure for concluding peace.

In the course of the very long debate the younger William Pitt, then just twenty-two, avoiding the question of independence and thus unconsciously conciliating the favor of George III., explained to a listening house the principles and conduct of his father on American affairs. Then, referring to Lord Westcote, he said: "A noble lord has called the American war a holy war: I affirm that it is a most accursed war, wicked, barbarous, cruel, and unnatural; conceived in injustice, it was brought forth and nurtured in folly; its footsteps are marked with slaughter and devastation, while it meditates destruction to the miserable people who are the devoted objects of the resentments which produced it. The British nation, in return for its vital resources in men and money, has received ineffective victories and severe defeats, which have filled the land with mourning for the loss of dear relations slain in the impious cause of enforcing unconditional submission, or narratives of the glorious exertions of men struggling under all difficulties in the holy cause of liberty. Where is the Englishman who can refrain from weeping, on whatever side victory may be declared?" The voice was listened to as that of Chatham, "again living in his son with all his virtues and all his talents." "America is lost, irrecoverably lost, to this country," added Fox. "We can lose nothing by a vote declaring America independent." On the division, an increased minority revealed the growing discontent of the house of commons at the continuance of the war.

On the seventh of April, Cornwallis brought the relics of his army to Wilmington, where a party sent by his orders from Charleston awaited him. He could not move by land toward Camden without exposing his troops to the greatest chances of being lost. He should have returned to Charleston by water, to retain possession of South Carolina; but such a movement would have published to the world that all his long marches and victory had led only to disgrace. A subordinate general, he was sure of the favor and approval of Germain, and forced his plans on his commander-in-chief, to whom he wrote: "I cannot help expressing my wishes that the Chesa-

peake may become the seat of war, even, if necessary, at the expense of abandoning New York." And without waiting for an answer, in the last days of April, with a force of fourteen hundred and thirty-five men, all told, he left Wilmington for Virginia. Clinton, reasoning justly, afterward in self-defence replied: "Had you intimated the probability of your intention, I should certainly have endeavored to stop you, as I did then consider such a move likely to be dangerous to our interests in the southern colonies." He had in April received from the secretary this message: "Lord George Germain strongly recommends it to Sir Henry Clinton either to remain in good humor, in full confidence to be supported as much as the nature of the service will admit of, or avail himself of the leave of coming home, as no good can arise to the service if there is not full confidence between the general and the minister." It was not Clinton's wish or intention to resign; but he hastened to warn Germain: "Operations in the Chesapeake are attended with great risk, unless we are sure of a permanent superiority at sea. I cannot agree to the opinion given me by Lord Cornwallis. I tremble for the fatal consequences which may ensue." But Cornwallis, the subordinate general, had from Wilmington written directly to the secretary "that a serious attempt upon Virginia would be the most solid plan;" and Germain hastened to write to Clinton: "Lord Cornwallis's opinion entirely coincides with mine of the great importance of pushing the war on the side of Virginia with all the force that can be spared."

In his march from Wilmington, Cornwallis met little resistance. For the place of junction with the British army in Virginia he fixed upon Petersburg on the Appomattox.

So soon as Cornwallis was beyond pursuit Greene "determined to carry the war immediately into South Carolina." Dismissing those of the militia whose time was about to expire, he retained nearly eighteen hundred men, with small chances of reinforcements or of sufficient subsistence. He knew the hazards which he was incurring; but, in case of untoward accidents, he believed that Washington and his other friends would do justice to his name.

The safety of the interior of South Carolina depended on

the possession of the posts at Camden and Ninety-Six in that state, and at Augusta in Georgia. On the sixth of April, Greene detached a force under Lee, which joined Marion, and threatened the connections between Camden and Charleston; Sumter, with three small regiments of regular troops of the state, had in charge to hold the country between Camden and Ninety-Six; and Pickens with the western militia to intercept supplies on their way to Ninety-Six and Augusta.

After these preparations, Greene on the seventh began his march from Deep river, and on the twentieth encamped his army a half-mile from the strong and well-garrisoned works of Camden. In the hope of intercepting a party whom Rawdon had sent out, Greene moved to the south of the town; but, finding that he had been misled, his army, on the twenty-fourth, took a well-chosen position on Hobkirk's Hill. The eminence was covered with wood, and flanked on the left by an impassable swamp. The ground toward Camden, which was a mile and a half distant, was protected by a forest and thick shrubbery; but the time given to improve the strength of the position had not been properly used. On the twenty-eighth the men, having been under arms from daylight, were dismissed to receive provisions and prepare their morning repast. The horses were unsaddled and feeding; Greene was at breakfast.

By keeping close to the swamp, Rawdon, with about nine hundred men, gained the left of the Americans "in some measure by surprise,"* and opened a fire upon their pickets. The good discipline which Greene had introduced now stood him in stead. About two hundred and fifty North Carolina militia, who had arrived that morning, did nothing during the day; but his cavalry was soon mounted, and his regular troops, about nine hundred and thirty in number, were formed in order of battle in one line without reserves. Of the two Virginia regiments, that under Hawes formed the extreme right, that of Campbell the right centre; of the two Maryland regiments, that of Ford occupied the extreme left, of Gunby the left centre. The artillery was placed in the road between the two brigades. In this disposition he awaited the attack of Rawdon.

Perceiving that the British advanced with a narrow front,

* Washington's Diary, 26 May 1790.

Greene ordered Ford's regiment on the left and Campbell's on the right to wheel respectively on their flanks, the regiments of Hawes and Gunby to charge with bayonets without firing, and, with inconsiderate confidence in gaining the victory, weakened himself irretrievably by sending William Washington with his cavalry to double the right flank and attack the enemy in the rear. But Rawdon had time to extend his front by ordering up his reserves. Colonel Ford, in leading on his men, was disabled by a severe wound; and his regiment, without executing their orders, only replied by a loose scattering fire. On the other flank the regiment of Campbell, composed of new troops, could not stand the brunt of the enemy, though they could be rallied and formed anew. Greene led up the regiments several times in person. The regiments under Hawes and Gunby advanced with courage, while the artillery played effectively on the head of the British column. But, on the right of Gunby's regiment, Captain Beatty, an officer of the greatest merit, fell mortally wounded; his company, left without his lead, began to waver, and the wavering affected the next company. Seeing this, Gunby ordered the regiment to retire, that they might form again. The British troops, seizing the opportunity, broke through the American centre, advanced to the summit of the ridge, brought their whole force into action on the best ground, and forced Greene to retreat. The battle was over before William Washington with his cavalry could make the circuit through the forest to attack their rear. Each party lost about three hundred men.

Rawdon returned to Camden, followed by the congratulations of Cornwallis on "his most glorious victory," which the general, forgetting King's Mountain and the Cowpens, described as "by far the most splendid of this war." "The disgrace," wrote Greene, "is more vexatious than anything else." He lost no more than the British, saved his artillery, and collected all his men. Receiving a reinforcement of five hundred, Rawdon crossed the Wateree in pursuit of him; but he kept his enemy at bay.

No sooner had Marion been reinforced by Lee than they marched against the fort on Wright's bluff below Camden, the principal post of the British on the Santee, garrisoned by one

hundred and fourteen men. The Americans were without cannon, and the bluff was forty feet high; but the forest stretched all around them; in the night the troops cut and hauled logs, and erected a tower so tall that the garrison could be picked off by riflemen. Two days before the battle of Hobkirk's Hill it capitulated.

The connection of Camden with Charleston being thus broken, the post became untenable. On the tenth of May, after destroying all public buildings and stores and many private houses, the British abandoned Camden, never to hold it again. On the eleventh the post at Orangeburg, held by sixty British militia and twelve regulars, gave itself up to Sumter. Rawdon marched down the Santee on the north side, anxious to save the garrison of Fort Motte, to which Marion had laid siege. To hasten its surrender, Rebecca Motte, the owner of the house in which they were quartered, on the twelfth brought into camp a bow and a bundle of Indian arrows; and, when the arrows had carried fire to her own abode, the garrison of a hundred and sixty-five men surrendered. Two days later the British evacuated their post at Nelson's ferry. On the fifteenth Fort Granby, with three hundred and fifty-two men, surrendered by capitulation. General Marion turned his arms against Georgetown; and, on the first night after the Americans had broken ground, the British retreated to Charleston. The troops under Rawdon did not halt until they reached Monk's Corner.

The north-western part of South Carolina was thus recovered, but the British still held Augusta and Ninety-Six. Conforming to the plan which Greene had forwarded from Deep river, General Pickens and Colonel Clarke with militia kept watch over Augusta. On the twentieth of May they were joined by Lieutenant-Colonel Lee. The outposts were taken one after another, and on the fifth of June the main fort with about three hundred men capitulated. One officer, obnoxious for his cruelties, fell after the surrender by an unknown hand. Lieutenant-Colonel Brown, the commander, had himself hanged thirteen American prisoners, and delivered citizens of Georgia to the Cherokees to suffer death with all the exquisite tortures which savage barbarity could contrive; but on his way to Sa-

vannah an escort protected him from the inhabitants whose houses he had burnt, whose kindred he had sent to the gallows.

On the twenty-second of May, Greene, with Kosciuszko for his engineer, and nine hundred and eighty-four men, began the siege of Ninety-Six. The post, though mounting but three pieces of artillery, was strongly fortified; five hundred and fifty men formed its ample garrison; and the commander, Lieutenant-Colonel Cruger, was an officer of ability and enterprise. A fleet from Ireland having arrived at Charleston with reinforcements, Rawdon on the seventh of June marched with two thousand men to secure a safe retreat for the garrison. Giving way to an eagerness to gain a victory, Greene on the eighteenth gave to a party of Marylanders and of Virginians the hopeless order to force a lodgment in the fort, in which no justifying breach had been made. Of the brave men whom he so rashly sent into the ditch, one third were killed, and but one in six came out unwounded. The next day the general raised the siege and withdrew to the North, complaining of fortune which had refused him victory at Guilford, at Camden, and at Ninety-Six.

Greene retreated as far as the Enoree. Rawdon, giving over pursuit and adhering to his purpose, withdrew the garrison from the insulated post of Ninety-Six. Leaving the largest part of his force to assist in removing the loyal inhabitants of the district, he marched with a thousand men to establish a post on the Congaree. Greene followed; and his cavalry, while watching the enemy's motions, made prisoners of forty-eight British dragoons within one mile of their encampment.

Avoiding an encounter, Lord Rawdon retired to Orangeburg, where he was reinforced. On the other side, Greene, after forming a junction with the men of Sumter and Marion, pursued him, and on the twelfth of July offered him battle. The offer was refused. On the thirteenth, Greene detached the cavalry of the legion, the state troops and militia of South Carolina, to compel the evacuation of Orangeburg by striking at the posts around Charleston; the rest of the army was ordered to the high hills of the Santee, famed for pure air and pure water. On the same day the force with Cruger, who

had evacuated Ninety-Six, joined Rawdon with his troops. He had called around him the royalists in the district and set before them the option of making their peace with the Americans or fleeing under his escort to Charleston. Once more loyalists who had signalized themselves by devoted service to the king learned from his officer that he could no longer protect them in their own homes. Forced to elect the lot of refugees, they brought into the camp of Cruger their wives, children, and slaves, wagons laden with the little of their property that they could carry away, sure to be pushed aside by the English at Charleston as troublesome guests, and left to wretchedness and despair.

The British, when united, were superior in number; but their detachments were attacked with success. They could not give the protection which they had promised, and the people saw no hope of peace except by driving them out of the land. Weary of ceaseless turmoil, Rawdon repaired to Charleston, and, pretending ill health, sailed for England, but not till after a last act of vengeful inhumanity. Isaac Hayne, a planter in the low country whose affections were always with America, had, after the fall of Charleston, obtained British protection; at the same time he avowed his resolve never to meet a call for military service under the British flag. When the British lost the part of the country in which he resided and could protect him no longer, he resumed his American citizenship and led a regiment of militia against them. Taken prisoner, Balfour hesitated what to do with him; but Rawdon, who was Balfour's superior in command, had no sooner arrived in Charleston than, against the entreaties of the children of Hayne, of the women of Charleston, of the lieutenant-governor of the province, he sent him to the gallows. The execution was illegal; for the loss of power to protect forfeited the right to enforce allegiance. It was most impolitic; for in moderate men it uprooted all remaining attachment to the English government, and roused the women of Charleston to implacable defiance. After the departure of Rawdon there remained in South Carolina no British officer who would have acted in like manner. His first excuse for the execution was the order of Cornwallis which had filled the woods of Carolina with assas-

sins. Feeling the act as a stain upon his name, he attempted, but not till after the death of Balfour, to throw on that officer the blame that belonged to himself. On the voyage to England he was captured by the French.

After a short rest, Greene moved his army from the hills of Santee in a roundabout way to attack the British at their post near the junction of the Wateree and Congaree. They retreated before him, and halted at Eutaw Springs. He continued the pursuit with so much skill that the British remained ignorant of his advance. At four o'clock on the morning of the eighth of September his army was in motion to attack them. The centre of the front line was composed of two small battalions from North Carolina, and of one from South Carolina on each wing, commanded, respectively, by Marion and Pickens. The second line was formed of three hundred and fifty continentals of North Carolina, led by General Sumner; of an equal number of Virginians, commanded by Lieutenant-Colonel Campbell; and of two hundred and fifty Marylanders, under Otho Williams. Long and gallantly did the militia maintain the action, those with Marion and Pickens proving themselves equal to the best veterans. As they began to be overpowered by numbers, they were sustained by the North Carolina brigade under Sumner, while the Virginians under Campbell and the Marylanders under Williams charged with the bayonet. The British were routed. On a party that prepared to rally, William Washington bore down with his cavalry and a small body of infantry, and drove them from the field. Great numbers of the British fell, or were made prisoners.

Many of the Americans who joined in the shouts of triumph were doomed to bleed. A brick house sheltered the British as they fled. Against the house Greene ordered artillery to play from open ground; the gunners were shot down by riflemen, and the field-pieces abandoned to the enemy. Upon a party in an adjacent wood of barren oaks, of a species whose close, stiff branches by their stubbornness made cavalry helpless, Greene for a slight object ordered William Washington to charge with his horsemen; the order was obeyed, and the excellent officer, to whom belonged so much of the glory of the campaign, was wounded, disabled, and taken prisoner. So

there were at Eutaw two successive engagements. In the first, Greene won a brilliant victory and with little loss; in the second, his own hasty orders brought upon himself a defeat, with the death or capture of many of his bravest men. In the two engagements the Americans lost, in killed, wounded, and missing, five hundred and fifty-four men; they took five hundred prisoners, including the wounded; and the total loss of the British approached one thousand.

The cause of the United States was the cause of Ireland. Among the fruits of their battles was the recovery for the Irish of her equal rights in trade and legislation. Yet such is the complication in human affairs that the people who of all others should have been found taking part with America sent against them some of their best troops and their ablest men. Irishmen fought in the British ranks at Eutaw. Lord Edward Fitzgerald, who received on this day wounds that were all but mortal, had in later years no consolation for his share in the conflict; "for," said he, "I was then fighting against liberty."

Occupying the field of battle by a strong picket, Greene drew off to his morning's camp, where his troops could have the refreshment of pure water, and prepare to renew the attack. But the British in the night, after destroying stores and breaking in pieces a thousand muskets, retreated to Charleston, leaving seventy of their wounded. Resting one or two days, Greene with his troops, which were wasted not only by battle, but by the climate, regained his old position on the heights of Santee. From Morris, the financier, he received good words and little else; but his own fortitude never failed him. He says of himself: "We fight, get beaten, and fight again." He had been in command less than ten months; and in that time the three southern states were recovered, excepting only Wilmington which was soon after evacuated, Charleston, and Savannah. The legislature of South Carolina, at its next meeting, in testimony of its approbation and gratitude, voted him an estate in their "country" of the value of ten thousand guineas. To this Georgia added five thousand guineas, and North Carolina four-and-twenty thousand acres of the most fertile land in Tennessee.

CHAPTER IV.

THE LAST CAMPAIGN OF THE AMERICAN WAR.

1781.

Sir Henry Clinton persevered in the purpose of holding a station in the Chesapeake bay; and, on the second of January 1781, Arnold, with sixteen hundred men, appeared by his order in the James river. The generous commonwealth of Virginia having sent its best troops and arms to the more southern states, Governor Jefferson promptly called the whole militia from the adjacent counties; but, in the region of planters with slaves, there were not freemen enough at hand to meet the invaders. Arnold offered to spare Richmond if he might unmolested carry off its stores of tobacco; the proposal being rejected with scorn, on the fifth and sixth its houses and stores, public and private, were set on fire. Washington used his knowledge of the lowlands of Virginia to form for the capture of Arnold a plan of which the success seemed to him certain. From his own army he detached about twelve hundred men of the New England and New Jersey lines under the command of Lafayette, and asked the combined aid of the whole French fleet at Newport and a detachment from the land forces under Rochambeau. But d'Estouches, the French admiral, had already sent out a sixty-four-gun ship and two frigates, and did not think it prudent to put to sea with the residue of the fleet. The ships-of-war, which arrived safely in the Chesapeake, having no land troops, could not reach Arnold; but, on their way back to Rhode Island, they captured a British fifty-gun frigate. Washington, on the sixth of March, met Rochambeau and d'Estouches in council on board

the flag-ship of the French admiral at Newport, and the plan of Washington, for a combined expedition of the French fleet and land forces into Virginia, was adopted. But the execution of the plan was too slow; the benefit of a fair wind and of a day were lost, so that Arbuthnot, with the British fleet, overtook them off the capes of Virginia. A partial engagement ensued for an hour. On the next day the French, advised by its council of war not to renew the action, returned to Newport; while the British sailed into the Chesapeake.

On the twenty-sixth of March, General Phillips, who brought from New York a reinforcement of two thousand picked men, took the command in Virginia. All the stores of produce which its planters in five quiet years had accumulated were carried off or destroyed. Their negroes, so desired in the West Indies, formed the staple article of plunder.

By a courier from Washington Lafayette received information that Virginia was to become the centre of active operations, and was instructed to defend the state as well as his means would permit. His troops, who were chiefly from New England, dreaded the climate of lower Virginia, and, besides, were destitute of everything; yet when Lafayette, from the south side of the Susquehannah, in an order of the day, offered leave to any of them to return to the North, not one would abandon him. At Baltimore he borrowed two thousand pounds sterling, supplied his men with shoes and hats, and bought linen, which the women of Baltimore made into summer garments. Then, by a forced march of two hundred miles, he arrived at Richmond on the twenty-ninth of April, the evening before Phillips reached the opposite bank of the river. Having in the night been joined by Steuben with militia, Lafayette was able to hold in check the larger British force. The line of Pennsylvania was detained in that state week after week for needful supplies; while Clinton, stimulated by Germain's praises of the activity of Cornwallis, sent another considerable detachment to Virginia.

On the thirteenth of May, General Phillips died of malignant fever. Arnold, on whom the command devolved, though only for seven days, addressed a letter to Lafayette, who returned it, refusing to correspond with a traitor. Arnold

rejoined by threatening to send to the Antilles all American prisoners, unless a cartel should be immediately concluded. On the twentieth Cornwallis arrived at Petersburg, and ordered Arnold back to New York.

Clinton detached him once more, and this time against his native state. On the sixth of September his party landed on each side of New London. The town was plundered and burnt. On the other side of the river Colonel Ledyard and about one hundred and fifty ill-armed militia-men defended Fort Griswold on Groton Hill for forty minutes with the greatest resolution. Lieutenant-Colonel Eyre, who commanded the British assailants, was wounded near the works, and Major Montgomery was killed immediately after. When Ledyard had surrendered, Major Bromfield, on whom the British command had devolved, ran him through with his sword, and refused quarter to the garrison. Seventy-three of them were killed, and more than thirty wounded; about forty were carried off as prisoners. With this expedition, Arnold disappears from history.

Cornwallis now found himself where he had so persistently desired to be—in Virginia, at the head of seven thousand effective men, with not a third of that number to oppose him by land, and with undisputed command of the water. "Wanting a rudder in the storm," said Richard Henry Lee, "the good ship must inevitably be cast away;" and he proposed to send for General Washington immediately and invest him with "dictatorial powers." But Jefferson reasoned: "The thought alone of creating a dictator is treason against mankind, giving to their oppressors a proof of the imbecility of republican government in times of pressing danger. The government, instead of being braced for greater exertions, would be thrown back." As governor of Virginia, speaking for its people and representing their distresses, he wrote to Washington: "Could you lend us your personal aid? The presence of their beloved countryman would restore full confidence, and render them equal to whatever is not impossible. Should you repair to your native state, the difficulty would then be how to keep men out of the field."

During the summer, congress, against the opinion of Samuel

Adams and without aid from Massachusetts, substituted for its own executive committees a single chief in each of the most important departments. Robert Morris was placed in charge of the finances of the confederation; in conformity with the wish of the French minister, which was ably sustained by Sullivan, the conduct of foreign affairs was intrusted to Robert Livingston of New York. Washington would have gladly seen Schuyler at the head of the war department.

Outside of congress, Hamilton persevered in recommending an efficient government. His views were so identical with those of Robert Morris that it is sometimes hard to say in whose mind they first sprung up. They both laid the greatest stress on the institution of a national bank; the opinion that a national debt is a national blessing was carried by Morris to a most perilous extreme.

The conduct of the war continued to languish for the want of a central government. In the states from which the most was hoped, Hancock of Massachusetts was neglectful of business; Reed, the president of Pennsylvania, was more ready to recount what the state had done than undertake to do more; so that the army was not wholly free from the danger of being disbanded for want of subsistence. Of the armed vessels of the United States, all but two frigates had been taken or destroyed.

Madison persevered in the effort to obtain power for congress to collect a revenue, and a committee was named to examine into the changes which needed to be made in the articles of confederation. "The difficulty of continuing the war under them," so wrote Luzerne, on the twenty-seventh of August, "proves the necessity of reforming them; they were produced at an epoch when the mere name of authority inspired terror, and by men who thought to make themselves agreeable to the people. I can scarcely persuade myself that they will come to an agreement on this matter. Some persons even believe that the existing constitution, all vicious as it is, can be changed only by some violent revolution."

The French government declined to furnish means for the siege of New York. After the arrival of its final instructions, Rochambeau, attended by Chastellux, in a meeting with Wash-

ington at Weathersfield on the twenty-first of May, settled the preliminaries of the campaign. The French land force was to march to the Hudson river, and, in conjunction with the American army, be ready to move to the southward. De Grasse was charged anew on his way to the North to enter the Chesapeake. In the direction of the war for the coming season there would be union; for congress had lodged the highest power in the northern and southern departments in the hands of Washington, and France had magnanimously placed her troops under his command.

Before his return, the American general called upon the governors of the New England states, "in earnest and pointed terms," to complete their continental battalions, to hold bodies of militia ready to march in a week after being called for, and to adopt effective modes of supply. Governor Trumbull of Connecticut cheered him with the opinion that he would obtain all that he needed.

In June the French contingent, increased by fifteen hundred men newly arrived in ships-of-war, left Newport for the Hudson river. The inhabitants crowded around them on their march, glad to recognise in them allies and defenders. The rights of private property were scrupulously respected, and the petty exigencies of local laws good-naturedly submitted to.

Cornwallis began his career on the James river in Virginia by seizing horses, which were of the best breed, and mounting five or six hundred men. He then started in pursuit of Lafayette, who, with about one thousand continental troops, was posted between Wilton and Richmond, waiting for reinforcements from Pennsylvania. "Lafayette cannot escape him," wrote Clinton to Germain. The youthful major-general warily kept to the north of his pursuer; and on the seventh of June made a junction with Wayne not far from Raccoon ford. Small as was his force, he compared the British in Virginia to the French in the German kingdom of Hanover at the time of the seven years' war, and confidently predicted analogous results. Cornwallis advanced as far as the court-house of the Virginia county of Hanover, then crossed South Anna, and, not encountering Lafayette, encamped on the James river, from the Point of Fork to a

little below the mouth of Byrd creek. For the next ten days his head-quarters were at Elk Hill, on a plantation belonging to Jefferson.

Two expeditions were undertaken. With one hundred and eighty dragoons and forty mounted infantry, Tarleton, destroying public stores on the way, rode seventy miles in twenty-four hours to Charlottesville, where the Virginia assembly was then in session; but the assembly, having received warning, had adjourned to the valley beyond the Blue Ridge, and Jefferson had gone to the mountains on horseback. The dragoons overtook seven of the legislature; otherwise, the expedition was fruitless.

Simcoe, with a party of mixed troops, was sent to destroy stores over which Steuben with a few more than five hundred men kept guard. Steuben had transported his magazine across the Fluvanna, and the water was too deep to be forded.

Tarleton suffered nothing of Jefferson's at Monticello to be injured. At Elk Hill, under the eye of Cornwallis, all his barns and fences were burnt; the growing crops destroyed; the fields laid absolutely waste; the throats cut of all horses that were too young for service, and the rest carried off. He took away about thirty slaves, not to receive freedom, but to suffer from a worse form of slavery in the West Indies. The rest of the neighborhood was treated in like manner, but with less of malice.

In the march of the British army from Elk Hill down the river to Williamsburg, where it arrived on the twenty-fifth of June, all dwelling-houses were plundered. The band of Lafayette hung upon its rear, but could not prevent its depredations. The Americans of that day computed that Cornwallis, in his midsummer marchings up and down Virginia, destroyed property to the value of three million pounds sterling. He nowhere gained a foothold, and his long marches thoroughly taught him that the people were bent on independence.

At Williamsburg, to his amazement and chagrin, he received orders from his chief to send back to New York about three thousand men. Clinton's letter of the eleventh expressed his fear of being attacked in New York by more than twenty thousand; there was, he said, no possibility of re-establishing

order in Virginia, so general was the disaffection to Great Britain; Cornwallis should therefore take a defensive situation in any healthy station he might choose, be it at Williamsburg or Yorktown. On the fifteenth he wrote further: "I do not think it advisable to leave more troops in that unhealthy climate at this season of the year than are absolutely wanted for a defensive and a desultory water expedition." "De Grasse," so he continued on the nineteenth, "will visit this coast in the hurricane season, and bring with him troops as well as ships. But, when he hears that your lordship has taken possession of York river before him, I think that their first efforts will be in this quarter. I am, however, under no great apprehensions, as Sir George Rodney seems to have the same suspicions of de Grasse's intention that we have, and will of course follow him hither."

From this time the hate which had long existed between the lieutenant-general and the commander-in-chief showed itself without much reserve. Cornwallis was eager to step into the chief command; Sir Henry Clinton, though he had threatened to throw up his place, clung to it tenaciously, and relates of himself that he would not be "duped" by his rival into resigning.

"To your opinions it is my duty implicitly to submit," was the answer of Cornwallis to the orders of Clinton; and on the fourth of July he began his march to Portsmouth. On that day the royal army arrived near James Island, and in the evening the advanced guard reached the opposite bank of the James river. Two or three more days were required to carry over all the stores and the troops. Lafayette with his small army followed at a distance. Beside fifteen hundred regular troops, equal to the best in the royal army, he drew to his side as volunteers gallant young men mounted on their own horses from Maryland and Virginia. Youth and generosity, courage and prudence, were his spells of persuasion. His perceptions were quick, his vigilance never failed, and in his methods of gaining information of the movements of the enemy he excelled every officer in the war except Washington and Morgan. All accounts bear testimony to his caution. Of his self-possession in danger he was soon called upon to give proof.

On the sixth, Lafayette judged correctly that the great body of the British army was still on the north side of the James river; but Wayne, without his knowledge, detached a party under Colonel Galvan to carry off a field-piece of the enemy which was said to lie exposed. The information proved false. The party with Galvan retreated in column before the advancing British line till they met Wayne with the Pennsylvania brigade. It suited the character of that officer to hazard an encounter. The British moved on with loud shouts and incessant fire. Wayne, discovering that he had engaged a greatly superior force, saw his only safety in redoubling his courage; and he kept up the fight till Lafayette, braving the hottest fire in which his horse was killed under him, brought up the light infantry and rescued the Pennsylvanians from their danger. Two of Wayne's field-pieces were left behind. In killed and wounded, each side lost about one hundred and twenty. The action took its name from the Greene Springs farm, about eight miles above Jamestown, where Lafayette encamped for the night.

After passing the river, Cornwallis, on the eighth, wrote orders to Tarleton with mounted troops to ravage Prince Edward's and Bedford counties, and to destroy all stores, whether public or private. The benefit derived from the destruction of property was not equal to the loss in skirmishes on the route and from the heats of midsummer.

From his camp on Malvern Hill, Lafayette urged Washington to march to Virginia in force; and he predicted in July that, if a French fleet should enter Hampton Roads, the English army must surrender. On the eighth of the same month Cornwallis, in reply to Clinton, reasoned earnestly against a defensive post in the Chesapeake: "It cannot have the smallest influence on the war in Carolina: it only gives us some acres of an unhealthy swamp, and is forever liable to become a prey to a foreign enemy with a temporary superiority at sea." Thoroughly disgusted with the aspect of affairs in Virginia, he asked leave to transfer the command to General Leslie, and go back to Charleston. Meantime, transport ships arrived in the Chesapeake; and, in a letter which he received on the twelfth, he was desired by his chief so to hasten the embarkation of

three thousand men that they might sail for New York within forty-eight hours; for, deceived by letters which were written to be intercepted, he believed that the enemy would certainly attack that post.

But the judgment of Clinton was further confused by another cause. The expectation of a brilliant campaign in Virginia had captivated the minds of Lord George Germain and the king; and, now that Cornwallis was thoroughly cured of his own presumptuous delusions, they came back to Clinton in the shape of orders from the British secretary, who dwelt on the vast importance of the occupation of Virginia, and on the wisdom of the present plan of pushing the war in that quarter. It was a great mortification to him that Clinton should think of leaving only a sufficient force to serve for garrisons in the posts that might be established there, and he continued: "Your ideas of the importance of recovering that province appearing to be so different from mine, I thought it proper to ask the advice of his majesty's other servants upon the subject, and, their opinion concurring entirely with mine, it has been submitted to the king; and I am commanded by his majesty to acquaint you that the recovery of the southern provinces and the prosecution of the war from south to north is to be considered as the chief and principal object for the employment of all the forces under your command which can be spared from the defence of the places in his majesty's possession." On Cornwallis he heaped praises, writing to him in June: "The rapidity of your movements is justly matter of astonishment to all Europe." To Clinton he repeated in the same month: "Lord Cornwallis's opinion entirely coincides with mine." So Clinton's peremptory order by which troops in Virginia had been already embarked to sail for New York was countermanded. "As to quitting the Chesapeake entirely," wrote Clinton in a letter received by Cornwallis on the twenty-first of July, "I cannot entertain a thought of such a measure. I flatter myself you will at least hold Old Point Comfort, if it is possible to do it without York." And four days later Clinton urged again: "It ever has been, is, and ever will be, my firm and unalterable opinion that it is of the first consequence to his majesty's affairs on the continent that

we take possession of the Chesapeake, and that we do not afterward relinquish it." "Remain in Chesapeake, at least until the stations I have proposed are occupied and established. It never was my intention to continue a post on Elizabeth river." Now the post of Portsmouth on Elizabeth river had, as Lafayette and Washington well understood, the special value that it offered in the last resort the chance of a retreat into the Carolinas.

The infatuation of Germain was incurable; and on the seventh of July he continued: "The detachments sent to Virginia promise more toward bringing the southern colonists to obedience than any offensive operation of the war;" a week later: "You judiciously sent ample reinforcements to the Chesapeake;" and on the second of August: "As Sir George Rodney knows the destination of de Grasse, and the French acknowledge his ships sail better than theirs, he will get before him and be in readiness to receive him when he comes upon the coast. I see nothing to prevent the recovery of the whole country to the king's obedience."

The engineers of Cornwallis, after careful and extensive surveys, reported unanimously that a work on Point Comfort would not secure ships at anchor in Hampton Roads. To General Phillips, on his embarkation in April, Clinton's words had been: "With regard to a station for the protection of the king's ships, I know of no place so proper as Yorktown." Nothing therefore remained but, in obedience to the spirit of Clinton's orders, to seize and fortify York and Gloucester. Cornwallis accordingly, in the first week of August, embarked his troops successively, and, evacuating Portsmouth, transferred his force to Yorktown and Gloucester. Yorktown was then but a small village on a high bank, where the long peninsula dividing the York from the James river is less than eight miles wide. The water is broad, bold, and deep; so that ships of the line may ride there in safety. On the opposite side lies Gloucester, a point of land projecting into the river and narrowing till it becomes but one mile wide. These were occupied by Cornwallis, and fortified with the utmost diligence; though, in his deliberate judgment, the measure promised no honor to himself and no advantage to Great Britain.

On the other hand, Lafayette, concentrating his forces in a strong position at a distance of about eight miles, indulged in the happiest prophecies, and on the twenty-fourth of August wrote to Maurepas: "I owe you so much gratitude, and feel for you so much attachment, that I wish sometimes to recall to your recollection the rebel commander of the little Virginia army. Your interest for me will have been alarmed at the dangerous part which has been intrusted to me in my youth. Separated by five hundred miles from every other corps and without any resources, I am to oppose the projects of the court of St. James and the fortunes of Lord Cornwallis. Thus far, we have encountered no disaster." On the same day his words to Vergennes were: "In pursuance of the immense plan of his court, Lord Cornwallis left the two Carolinas exposed, and General Greene has largely profited by it. Lord Cornwallis has left to us Portsmouth, from which place he was in communication with Carolina, and he now is at York, a very advantageous place for one who has the maritime superiority. If by chance that superiority should become ours, our little army will participate in successes which will compensate it for a long and fatiguing campaign. They say that you are about to make peace. I think that you should wait for the events of this campaign."

On the very day on which Cornwallis took possession of York and Gloucester, Washington, assured of the assistance of de Grasse, turned his whole thoughts toward moving with the French troops under Rochambeau and the best part of the American army to the Chesapeake. While hostile divisions and angry jealousies increased between the two chief British officers in the United States, on the American side all things conspired happily together. De Barras, who commanded the French squadron at Newport, wrote as to his intentions: "De Grasse is my junior; yet, as soon as he is within reach, I will go to sea to put myself under his orders." The same spirit insured unanimity in the mixed council of war. The rendezvous was given to de Grasse in Chesapeake bay; and, at the instance of Washington, he was to bring with him as many land troops as could be spared from the West Indies. Clinton was so certain in his own mind that the siege of New York

was the great object of Washington that, although the force under his command, including militia, was nearly eighteen thousand, he suffered the Hudson river to be crossed on the twenty-third and twenty-fourth of August without seizing the opportunity to give annoyance. Wurmb, a Hessian colonel, who had command at King's Bridge, again and again reported that the allied armies were obviously preparing to move against Cornwallis; but the general insisted that the appearances were but a stratagem. On the second of September it first broke on his mind that Washington was moving southward.

In the allied camp all was joy. The enthusiasm for political freedom took possession not of the French officers only, but of the soldiers. Every one of them was proud of being a defender of the young republic. On the fifth of September they encamped at Chester. Never had the French seen a man penetrated with a livelier or more manifest joy than Washington when he there learned that, on the last day but one in August, the Count de Grasse, with twenty-eight ships of the line and nearly four thousand land troops, had entered the Chesapeake, where, without loss of time, he had moored most of the fleet in Lynnhaven bay, blocked up York river, and, without being in the least annoyed by Cornwallis, had disembarked at James Island three thousand men under the command of the Marquis de Saint-Simon. Here, too, prevailed unanimity. Saint-Simon, though older in military service as well as in years, placed himself and his troops as auxiliaries under the orders of Lafayette, because he was a major-general in the service of the United States. The combined army in their encampment could be approached only by two passages, which were in themselves difficult and were carefully guarded, so that Cornwallis could not act on the offensive, and found himself effectually blockaded by land and by sea.

One more disappointment awaited Cornwallis. Lord Sandwich, after the retirement of Howe, gave the naval command at New York to officers without ability; and the aged Arbuthnot was succeeded by Graves, a coarse and vulgar man, of mean ability and without skill in his profession. Rodney should have followed de Grasse to the north; but he had become involved in pecuniary perils by his indiscriminate seizures

at St. Eustatius and conduct during the long-continued sale of his prize-goods. Pleading ill-health, he escaped to England, and in his stead sent Sir Samuel Hood, with fourteen sail of the line, frigates, and a fire-ship, into the Chesapeake, where a junction with Graves would have given the English the supremacy. But Graves, who was of higher rank than Hood, was out of the way on a cruise before Boston, to gain wealth by picking up prizes. Meantime, de Barras, with eight ships of the line, sailed from Newport, convoying ten transports which carried ordnance for the siege of Yorktown.

There was no want of information at New York, yet the British fleet did not leave Sandy Hook until the day after de Grasse had arrived in the Chesapeake. Early on the fifth of September, Graves discovered the French fleet at anchor in the mouth of that bay. De Grasse, though eighteen hundred of his seamen and ninety officers were on duty in James river, ordered his ships to slip their cables, turn out from the anchorage ground, and form the line of battle. The action began at four o'clock in the afternoon, and continued till about sunset. The British sustained so great a loss that, after remaining five days in sight of the French, they returned to New York. On the first day of their return voyage they evacuated and burned The Terrible, a ship of the line, so much had it been damaged in the engagement. De Grasse, now undisturbed master of the Chesapeake, on his way back to his anchoring ground captured two British ships, each of thirty-two guns, and he found de Barras safely at anchor in the bay.

Leaving the allied troops to descend by water from Elk river and Baltimore, Washington, with Rochambeau and Chastellux, riding sixty miles a day, on the evening of the ninth reached his "own seat at Mount Vernon." It was the first time in more than six years that he had seen his home. From its natural terrace above the Potomac his illustrious guests commanded a noble river, a wide and most pleasing expanse of country, and forest-clad heights, which were soon to become the capital of the united republic.

Two days were given to domestic life. On the fourteenth the party arrived at Williamsburg, where Lafayette, recalling the moment when in France the poor rebels were held in light

esteem, and when he nevertheless came to share with them all their perils, had the pleasure of welcoming Washington as generalissimo of the combined armies of the two nations.

The first act of Washington was to repair to the Ville de Paris to congratulate de Grasse on his victory. The system of co-operation between the land and naval forces was at the same time concerted.

At this moment Gerry wrote from Massachusetts to Jay: "You will soon have the pleasure of hearing of the capture of Lord Cornwallis and his army." "Nothing can save Cornwallis," said Greene, "but a rapid retreat through North Carolina to Charleston." On the seventeenth, Cornwallis reported to Clinton: "This place is in no state of defence. If you cannot relieve me very soon, you must be prepared to hear the worst." On that same day a council of war, held by Clinton at New York, decided that Cornwallis must be relieved; "at all events before the end of October." The next day Rear-Admiral Graves answered: "I am very happy to find that Lord Cornwallis is in no immediate danger."

One peril yet menaced Washington. Count de Grasse, hearing of a reinforcement of the fleet at New York, was bent on keeping the sea, leaving only two vessels at the mouth of the York river. Against this Washington, on the twenty-fifth, addressed the plainest and most earnest remonstrance: "I should esteem myself deficient in my duty to the common cause of France and America, if I did not persevere in entreating you to resume the plans that have been so happily arranged." The letter was taken by Lafayette, who joined to it his own explanations and reasonings; and de Grasse, though reluctant, was prevailed upon to remain within the capes. Washington wrote in acknowledgment: "A great mind knows how to make personal sacrifices to secure an important general good."

The troops from the North having been safely landed at Williamsburg, on the twenty-eighth the united armies marched for the investiture of Yorktown, drove everything on the British side before them, and lay on their arms during the night.

The fortifications of Yorktown, which were nothing but earthworks freshly thrown up, consisted on the right of re-

doubts and batteries, with a line of stockade in the rear, which supported a high parapet. Over a marshy ravine in front of the right a large redoubt was placed. The morass extended along the centre, which was defended by a stockade and batteries. Two small redoubts were advanced before the left. The ground in front of the left was in some parts level with the works, in others cut by ravines; altogether very convenient for the besiegers. The space within the works was exceedingly narrow, and, except under the cliff, was exposed to enfilade.

The twenty-ninth was given to reconnoitring and forming a plan of attack and approach. The French entreated Washington for orders to storm the exterior posts of the British; in the course of the night before the thirtieth, Cornwallis ordered them all to be abandoned, and thus prematurely conceded to the allied armies ground which commanded his line of works in a very near advance, and gave great advantages for opening the trenches.

At Gloucester the enemy was shut in by dragoons under the Duke de Lauzun, Virginia militia under General Weedon, and eight hundred marines. Once, and once only, Tarleton and his legion, who were stationed on the same side of the river, undertook to act offensively; but the Duke de Lauzun and his dragoons, full of gayety and joy at the sight, ran against them and trampled them down. Tarleton barely escaped; his horse was taken.

In the night before the sixth of October, everything being in readiness, trenches were opened at six hundred yards' distance from the works of Cornwallis—on the right by the Americans, on the left by the French; and the labor was executed in friendly rivalry, with so much secrecy and dispatch that it was first revealed to the enemy by the light of morning. Within three days the first parallel was completed, the redoubts were finished, and batteries were employed in demolishing the embrasures of the enemy's works and their advanced redoubts. On the night before the eleventh the French battery on the left, using red-hot shot, set on fire the frigate Charon, of forty-four guns, and three large transport ships which were entirely consumed.

On the eleventh, at night, the second parallel was begun within three hundred yards of the lines of the besieged. This was undertaken so much sooner than the British expected, that it could be conducted with the same secrecy as before; and they had no suspicion of the working parties till daylight discovered them to their pickets.

All day on the fourteenth the American batteries were directed against the abattis and salient angles of two advanced redoubts of the British, both of which needed to be included in the second parallel; and breaches were made in them sufficient to justify an assault. That on the right near York river was garrisoned by forty-five men, that on the left by thrice as many. The storming of the former fell to the Americans under the command of Lieutenant-Colonel Alexander Hamilton; that of the latter to the French, of whom four hundred grenadiers and yagers of the regiments of Gatinois and of Deux Ponts, with a large reserve, were intrusted to Count William de Deux Ponts and to Baron de l'Estrade.

At the concerted signal of six shells consecutively discharged, the corps under Hamilton advanced in two columns without firing a gun—the right composed of his own battalion, led by Major Fish, and of another commanded by Lieutenant-Colonel Gimat; the left, of a detachment under Lieutenant-Colonel Laurens, destined to take the enemy of reverse and intercept their retreat. All the movements were executed with exactness, and the redoubt was at the same moment enveloped and carried in every part. Lieutenant Mansfield conducted the vanguard with coolness and punctuality, and was wounded with a bayonet as he entered the work. Captain Olney led the first platoon of Gimat's battalion over the abattis and palisades, and gained the parapet, receiving two bayonet wounds in the thigh and in the body, but not till he had directed his men to form. Laurens was among the foremost to climb into the redoubt, making prisoner of Major Campbell, its commanding officer. Animated by his example, the battalion of Gimat overcame every obstacle by their order and resolution. The battalion under Major Fish advanced with such celerity as to participate in the assault. Incapable of imitating precedents of barbarity, the Americans spared

every man that ceased to resist; so that the killed and wounded of the enemy did not exceed eight. The conduct of the affair brought conspicuous honor to Hamilton.

Precisely as the signal was given, the French on the left, in like manner, began their march in the deepest silence. At one hundred and twenty paces from the redoubt they were challenged by a German sentry from the parapet; they pressed on at a quick time, exposed to the fire of the enemy. The abattis and palisades, at twenty-five paces from the redoubt, being strong and well preserved, stopped them for some minutes and cost them many lives. So soon as the way was cleared by the brave carpenters, the storming party threw themselves into the ditch, broke through the fraises, and mounted the parapet. Foremost was Charles de Lameth, who had volunteered for this attack, and who was wounded in both knees by two different musket-balls. The order being now given, the French leaped into the redoubt and charged the enemy with the bayonet. At this moment the Count de Deux Ponts raised the cry of "Vive le roi," which was repeated by all of his companions who were able to lift their voices. De Sireuil, a very young captain of yagers who had been wounded twice before, was now wounded for the third time and mortally. Within six minutes the redoubt was mastered and manned; but in that short time nearly one hundred of the assailants were killed or wounded.

On that night "victory twined double garlands around the banners" of France and America. Washington acknowledged the emulous courage, intrepidity, coolness, and firmness of the attacking troops. Louis XVI. distinguished the regiment of Gatinois by naming it "the Royal Auvergne."

By the unwearied labor of the French and Americans, both redoubts were included in the second parallel in the night of their capture. Just before the break of day of the sixteenth the British made a sortie upon a part of the second parallel and spiked four French pieces of artillery and two of the Americans; but, on the quick advance of the guards in the trenches, they retreated precipitately. The spikes were easily extracted; and in six hours the cannon again took part in the fire which enfiladed the British works.

On the seventeenth, Cornwallis, who could neither hold his post nor escape, proposed to surrender. On the eighteenth, Colonel Laurens and the Viscount de Noailles as commissioners on the American side met two high officers of the army of Cornwallis, to draft the capitulation. The articles were the same as those which Clinton had imposed upon Lincoln at Charleston. All the troops were to be prisoners of war; all public property was to be delivered up. Runaway slaves and the plunder taken by officers and soldiers in their marches through the country might be reclaimed; with this limitation, private property was to be respected. All royalists were left to be dealt with according to the laws of their own countrymen; but Cornwallis, in the packet which took his dispatches to Sir Henry Clinton, was suffered silently to send away such persons as were most obnoxious.

Of prisoners, there were seven thousand two hundred and forty-seven regular soldiers, the flower of the British army in America, beside eight hundred and forty sailors. The British loss during the siege amounted to more than three hundred and fifty. Two hundred and forty-four pieces of cannon were taken, of which seventy-five were of brass. The land forces and stores were assigned to the Americans, the ships and mariners to the French. At four o'clock in the afternoon of the nineteenth, Cornwallis remaining in his tent, Major-General O'Hara marched the British army past the lines of the combined armies and, not without signs of repugnance, made his surrender to Washington. His troops then stepped forward decently and piled their arms on the ground.

The English soldiers affected to look at the allied army with scorn; their officers conducted themselves with decorum, yet felt most keenly how decisive was their defeat.

Nor must impartial history fail to relate that the French provided for the siege of Yorktown thirty-six ships of the line; and that while the Americans supplied nine thousand troops, the contingent of the French consisted of seven thousand.

There was no day before it or after it like that on which the elder Bourbon king, through his army and navy, assisted to seal the victory of the rights of man and to pass from nation to nation the lighted torch of freedom.

When the letters of Washington announcing the capitulation reached congress, that body, with the people streaming in their train, went in procession to the Dutch Lutheran church to return thanks to Almighty God. Every breast swelled with joy. In the evening Philadelphia was illuminated with greater splendor than ever before. Congress voted honors to Washington, to Rochambeau, and to de Grasse, with special thanks to the officers and troops. The promise was given of a marble column to be erected at Yorktown, with emblems of the alliance between the United States and his most Christian majesty.

The Duke de Lauzun, chosen to take the news across the Atlantic, arrived in twenty-two days at Brest, and reached Versailles on the nineteenth of November. The king, who had just been made happy by the birth of a dauphin, received the glad news in the queen's apartment. The very last sands of the life of the Count de Maurepas were running out; but he could still recognise de Lauzun, and the tidings threw a halo round his death-bed. No statesman of his century had a more prosperous old age or such felicity in the circumstances of his death. The joy at court penetrated the people, and the name of Lafayette was pronounced with veneration. "History," said Vergennes, "offers few examples of a success so complete." "All the world agree," wrote Franklin to Washington, "that no expedition was ever better planned or better executed. It brightens the glory that must accompany your name to the latest posterity."

The first tidings of the surrender of Cornwallis reached England from France about noon on the twenty-fifth of November. "It is all over," said Lord North many times, under the deepest agitation and distress. Fox—to whom the defeats of armies of invaders, from Xerxes' time downward, gave the greatest satisfaction—heard of the capitulation of Yorktown with triumphant delight. He hoped it might become the conviction of all mankind that power resting on armed force is invidious, detestable, weak, and tottering. The official report from Sir Henry Clinton was received the same day at midnight. When on the following Tuesday parliament came together, the speech of the king was confused, the debates in

the two houses augured an impending change in the opinion of parliament, and the majority of the ministry was reduced to eighty-seven. A fortnight later the motion of Sir James Lowther to give up "all further attempts to reduce the revolted colonies" was well received by the members from the country, and the majority of the ministry, after a very long and animated debate, dwindled to forty-one. The city of London entreated the king to put an end to "this unnatural and unfortunate war." Such, too, was the wish of public meetings in Westminster, in Southwark, and in the counties of Middlesex and Surrey.

The chimes of the Christmas bells had hardly died away when the king wrote as stubbornly as ever: "No difficulties can get me to consent to the getting of peace at the expense of a separation from America." Yet Lord George Germain was compelled to retire from the cabinet. It was sought to palliate his disgrace by a peerage; but, when for the first time he repaired to the house of lords, he was met by reproof for cowardice and incapacity.

CHAPTER V.

BRITAIN IS WEARY OF WAR WITH AMERICA.

JANUARY–JUNE 1782.

THE campaign in Virginia being finished, Washington and the eastern army were cantoned for the winter in their old positions around New York; Wayne, with the Pennsylvania line, marched to the South to reinforce Greene; the French under Rochambeau encamped in Virginia; and de Grasse took his fleet to the West Indies.

As the hope of peace gained strength, congress could not repress alarm at the extent of the control over the negotiations for it, which, in the previous month of June, had been granted to France. On the seventh of January 1782, Robert R. Livingston, the first American secretary for foreign affairs, proving himself equal to the supreme responsibility devolved upon him, rose above every local interest or influence, and, clearly representing the spirit of the people and the desires of congress, communicated to the American commissioners for peace new instructions on its conditions. The boundaries on the east, the north-east, and the north were to be the ocean and the well-known line between the United States and Canada; on the west, the Mississippi; for the south, Livingston, foreseeing the dangers of restoring West Florida to Great Britain, with wise forethought declared that the interests of France and of the United States conspired to exclude Great Britain from both the Floridas; but no objection was made to their restoration to Spain.

Livingston asserted the equal common rights of the United States to the fisheries on the banks of Newfoundland; yet not

within such distance of the coasts of other powers as the law of nations allows them to appropriate; the sea, by its nature, cannot be appropriated; its common benefits are the right of all mankind.

The commissioners were further instructed that no stipulation must be made in favor of the American partisans of England who had been banished the country or whose property had been forfeited.

Should the Floridas be ceded to Spain, it would be essential to fix their limits precisely, for which the directions of congress of 1777 were made the rule.

These instructions were received by Franklin in March. They carried joy to the old man's heart, and he answered: "Your communications of the sentiments of congress with regard to a treaty of peace give me great pleasure, and the more as they agree so perfectly with my own opinions and furnish me with additional arguments in their support. My ideas on the points to be insisted on in the treaty of peace are, I assure you, full as strong as yours. Be assured I shall not willingly give up any important right or interest of our country, and, unless this campaign should afford our enemies some considerable advantage, I hope more may be obtained than I yet expect. Let us keep not only our courage but our vigilance."*

The action of congress was slower but not less firm. On the seventeenth of November 1781 the delegates for Massachusetts laid before congress the prayer of their state, that the right in the fisheries which had heretofore been enjoyed might be continued and secured.†

The subject was referred to Lovell of Massachusetts, Carroll of Maryland, and to Madison. The young Virginia statesman, whose wisdom so often pointed out to his country the way of escape from embarrassment, took the lead in the committee, and the ultimatum of peace which he prepared merged the prayer of a single commonwealth in an ultimatum that included the interests of the nation. His report,‡ which was

* Diplomatic Correspondence, iii., 314, 328. † Secret Journals, iii., 150.

‡ This report, which is in the handwriting of Madison, is preserved in the State Department, in the MSS. labeled "Committees on State Papers." It is printed in Secret Journals, iii., 151–201, and in New York Historical Collections for 1878.

made on the day after Livingston had written his instructions to the commissioners for peace, argued at large in favor of the same points. It was acceptable to congress; but the decision of that body was long delayed.

On the west no boundary was to be known but the Mississippi. Congress regretted its instructions of June 1781 as a sacrifice of national dignity; but, listening to the advice of Madison, it refused to reconsider them, choosing rather to proceed by supplementary instructions. After long delays and debates, on the third day of October, congress, by the vote of nine states, declared that the territorial claims of the states as heretofore made, their participation in the fisheries, and the free navigation of the Mississippi, were not only their indubitable rights, but were essential to their prosperity, and they trusted that the efforts of his most Christian majesty would be successfully employed to obtain security for those rights. Nor could they refrain from setting before the king of France, that no compensation could be made to the royalist refugees for property confiscated in the several states, not only on account of the sovereignty of the individual states by which the confiscation had been made, but of the wanton devastation which the citizens of the states had experienced from the enemy, and in many instances from the very persons in whose favor such claims might be urged.*

While the conditions of peace were under consideration, America obtained an avowed friend. Henry Laurens, the American plenipotentiary to the Netherlands, having been taken captive and carried to England, John Adams was appointed in his place. The new envoy had waited more than eight months for an audience of reception. Encouraged by the success at Yorktown, on the ninth of January 1782 Adams presented himself to the president of the states-general, renewed his formal request for an opportunity of presenting his credentials, and "demanded a categorical answer which he might transmit to his sovereign." He next went in person to the deputies of the several cities of Holland, and, following the order of their rank in the confederation, repeated his demand to each one of them. The attention of Europe

*Secret Journals for 3 October 1782, iii., 243.

was drawn to the sturdy diplomatist, who dared, alone and unsupported, to initiate so novel and bold a procedure. Not one of the representatives of foreign powers at the Hague believed that it could succeed.

On the twenty-sixth of February, Friesland, whose people had retained in their own hands the election of their regencies, declared in favor of receiving the American envoy; and its vote was the index of the opinion of the nation. A month later, the states of Holland, yielding to petitions from all the principal towns, followed the example. Zealand adhered on the fourth of April; Overyssel, on the fifth; Groningen, on the ninth; Utrecht, on the tenth; and Guelderland, on the seventeenth. On the day which chanced to be the seventh anniversary of "the battle of Lexington" their high mightinesses, the states-general, reporting the unanimous decision of the seven provinces, resolved that John Adams should be received as the minister of the United States of America.

The Dutch republic was the second power in the world to recognise their independence; and the act proceeded from heroic sympathy with a people in part descended from its own citizens, and struggling against oppression after the example of its own ancestors. It gave new life to the public hope, especially in New York. On the fifteenth of June John Adams found special pleasure in being formally presented to the family of which the first and the third William accomplished such great things "for the protestant religion and the rights of mankind." "This country," so he wrote to a friend, "appears to be more a home than any other that I have seen. I have often been to that church at Leyden, where the planters of Plymouth worshipped so many years ago, and felt a kind of veneration for the bricks and timbers."

The liberal spirit that was prevailing in the world pleaded for America. The emperor of Austria proclaimed in his dominions freedom of religion. If liberty was spreading through all realms, how much more should it make itself felt by the people of England who regarded their own country as its chosen abode! It might suffer eclipse during the rage to recover their former transatlantic possessions by force; but the old love of freedom, which was confirmed by the struggle

of centuries, must reassert its sway. The temper of the British mind was thoroughly changed. In the years which followed the peace of 1763 the profits of agriculture, manufactures, and commerce increased with accelerated speed. The new war, which the aristocracy had kindled in attempting to save a shilling in the pound on their land tax by taxing the colonies through the agency of the British parliament, had doubled the national debt and more than doubled the amount of its yearly interest. Rents were declining. Land had fallen nearly one third in price. The war narrowed the foreign markets for British manufactures. While Great Britain in 1775 was said to have employed in navigation about seven thousand vessels, New England privateers had, before the end of the year 1782, captured nearly one third of that number, of which more than twelve hundred, escaping recapture, arrived in safe ports.* The nation had become involved in four wars, and could no longer raise money to carry them on; so that, if they continued, it might be driven to stop payment of the interest money on the funds, and thus ruin their future credit.† The king was cast down by the loss of the good wishes of nearly every great power in Europe. The governing class saw that their political influence on the course of events in Europe was gone and could not be recovered till the war should come to an end. Moreover, the difficulties in which Britain was involved had grown out of her departure from the principles, which had made her the most successful colonizing nation of the world. Her colonies had succeeded because they took with them the liberties of the parent country. England was at war with her own traditions, and a ministry was in power which as little represented the liberal colonial policy of England as the Stuarts had represented its constitution. The kingdom was divided against itself: the success of America was needed for the future success of the principles of English liberty in England. The change in the public mind of England was so complete that there was left no party in Great Britain which was willing to assume the conduct of affairs with the condition of continuing the war, and the inability

* G. Cabot to Sewall, in Lodge's Cabot, 116.

† Oswald in Diplomatic Correspondence, iii., 448.

of the ministry of Lord North to renew it was conceded even by themselves. In the calm hours of the winter recess, members of the house of commons reasoned dispassionately on the strife with their ancient colonists. The estimates carried by the ministry through parliament for America were limited to defensive measures, and the house could no longer deceive itself as to the hopelessness of the contest. Accordingly, on the twenty-second of February, a motion against continuing the American war was made in the house of commons by Conway; was supported by Fox, William Pitt, Barré, Wilberforce, Mahon, Burke, and Cavendish; and was negatived by a majority of but one. Five days later, a resolution by Conway for an address to the king of the same purport obtained a majority of nineteen.

On the twenty-eighth Edmund Burke wrote to Franklin: "I congratulate you as the friend of America; I trust not as the enemy of England; I am sure as the friend of mankind; the resolution of the house of commons, carried in a very full house, was, I think, the opinion of the whole. I trust it will lead to a speedy peace between the two branches of the English nation."

The address to the king having been answered in equivocal terms, on the fourth of March Conway brought forward a second address, to declare that the house would consider as enemies to the king and country all those who would further attempt the prosecution of a war on the continent of America for the purpose of reducing the revolted colonies to obedience; and, after a long discussion, it was adopted without a division. With the same unanimity, leave was the next day granted to bring in a bill "enabling" the king to make a peace or a truce with America. The bill for that purpose was accordingly introduced by the ministers; but more than two and a half months passed away before an amended form of it became a law under their successors. A former secretary of legation repaired to France as the agent of the expiring ministry, to parley with Vergennes on conditions of peace, which did not essentially differ from those of Necker in a former year.

Fox, in the debate of the fourth, denounced Lord North

and his colleagues as "men void of honor and honesty," a coalition with any one of them as an infamy; but on the seventh he qualified his words so as to except Lord Thurlow. William Pitt, now in the days of his youth, which were his greatest days, stood aloof, saying: "I cannot expect to take any share in a new administration, and I never will accept a subordinate situation." The king toiled to retard the formation of a ministry till he could bring Rockingham to accept conditions, but the house of commons would brook no delay. On the twentieth more members appeared than on any occasion since the accession of the king, and the crowds of spectators were unprecedented. Lord North, having a few days before narrowly escaped a vote of censure, rose at the same moment with a member who was to have moved a want of confidence in the ministers. The two parties in the house shouted wildly the names of their respective champions. The speaker hesitated; when Lord North, gaining the floor on a question of order, with good temper but visible emotion, announced that his administration was at an end.

The outgoing ministry was the worst which England had known since parliament had been supreme. "Such a bunch of imbecility," said the author of "Taxation no Tyranny," and he might have added, of corruption, "never disgraced the country;" and he "prayed and gave thanks" that it was dissolved. Posterity has been toward Lord North more lenient and less just. America gained, through his mismanagement, independence, and can bear him no grudge. In England, no party claimed him as their representative, or saw fit to bring him to judgment; so that his scholarship, his unruffled temper, the purity of his private life, and good words from Burns, from Gibbon, and more than all from Macaulay, have retained for him among his countrymen a less evil repute as minister than he deserved. English opinion has decided that his administration no more deserves to be recognised as the expression of the British mind on the fit methods of colonial government, than the policy of James II. to be accepted as the exponent of English liberty.

The people were not yet known in parliament as a power; and outside of them three groups only could contribute mem-

bers to an administration. The new tory or conservative party, toward which the whigs represented by Portland and Burke were gravitating, had at that time for its most conspicuous and least scrupulous defender the chancellor, Thurlow. The followers of Chatham, of whom it was the cardinal principle that the British constitution recognises a king and a people no less than a hereditary aristocracy, and that to prevent the overbearing weight of that aristocracy the king should sustain the people, owned Shelburne as their standard-bearer. In point of years, experience, philosophic culture, and superiority to ambition as a passion, he was their fittest leader, though he had never enjoyed the intimate friendship of their departed chief. It was he who reconciled George III. to the lessons of Adam Smith, and recommended them to the younger Pitt through whom they passed to Sir Robert Peel; but his habits of study, and his want of skill in parliamentary tactics, had kept him from political connections as well as from political intrigues. His respect for the monarchical element in the British constitution invited the slander that he was only a counterfeit liberal, at heart devoted to the king; but in truth he was very sincere. His reputation has comparatively suffered with posterity, for no party has taken charge of his fame. Moreover, being more liberal than his age, his speeches sometimes had an air of ambiguity, from his attempt to present his views in a form that might clash as little as possible with the prejudices of his hearers. The third set was that of the old whigs, which had governed England from the revolution till the coming in of George III., and which deemed itself invested with a right to govern forever. Its principle was the paramount power of the aristocracy; its office, as Rockingham expressed it, "to fight up against king and people." They claimed to be liberal, and many of them were so; but they were more willing to act as the trustees of the people than with the people and by the people. Like the great Roman lawyers, the best of them meant to be true to their clients, but never respected them as their equals. An enduring liberal government could at that time be established in England only by a junction of the party then represented by Shelburne and the liberal wing of the supporters of Rock-

ingham. Such a union Chatham for twenty years had striven to bring about.

The king kept his sorrows, as well as he could, pent up in his own breast, but his mind was "truly torn to pieces" by the inflexible resolve of the house of commons to stop the war in America. He blamed them for having lost the feelings of Englishmen. Moreover, he felt keenly "the cruel usage of all the powers of Europe," of whom every one adhered to the principles of the armed neutrality, and every great one but Spain desired the complete emancipation of the United States. The day after the ministry announced its retirement he proposed to Shelburne to take the administration with Thurlow, Gower, and Weymouth, Camden, Grafton, and Rockingham. This Shelburne declined as "absolutely impracticable," and, from an equal regard to the quiet of the sovereign and the good of the country, he urged the king to send for Rockingham. The king could not prevail with himself to accept the advice, and he spoke discursively of his shattered health, his agitation of mind, his low opinion of Rockingham's understanding, his horror of Charles Fox, his preference of Shelburne as compared with the rest of the opposition. For a day he contemplated calling in a number of principal persons, among whom Rockingham might be included; and, when the many objections to such a measure were pointed out, he still refused to meet Rockingham face to face, and could not bring himself further than to receive him through the intervention of Shelburne.

In this state of things, Shelburne consented to be the bearer of a message from the king, with authority to procure "the assistance and co-operation of the Rockinghams, cost what it would, more or less." "Necessity," relates the king, "made me yield to the advice of Lord Shelburne." Before accepting the treasury, Rockingham made but one great proposition, that there should be "no veto to the independence of America." The king, though in bitterness of spirit, consented in writing to the demand. "I was thoroughly resolved," he says of himself, "not to open my mouth on any negotiation with America."

In constructing a ministry, Rockingham composed it of

members from both branches of the liberal party. His own connection was represented by himself, Fox, Cavendish, Keppel, and Richmond; but as chancellor he retained Thurlow, who bore Shelburne malice and had publicly received the glowing eulogies of Fox. Shelburne took with him into the cabinet Camden; and, as a balance to Thurlow, the great lawyer Dunning, raising him to the peerage as Lord Ashburton. Conway and Grafton might be esteemed as neutral, having both been members alike of the Rockingham and the Chatham administrations. Men of the next generation asked why Burke was offered no seat in the cabinet. The new tory party would give power to any man, however born, that proved himself an able defender of their fortress; the old whig party reserved the highest places for those cradled in the purple. "I have no views to become a minister," Burke said, "nor have I any right to such views. I am a man who have no pretensions to it from fortune;" and he was happy with the rich office of paymaster for himself, and lucrative places for his kin.

Franklin, in Paris, carefully watched the changes of opinions in the house of commons, and saw clearly that Shelburne must be a member of the new administration. Already, on the twenty-second of March 1782, through a traveller returning to England, he opened a correspondence with his friend of many years, assuring him of the continuance of his own ancient respect for his talents and virtues, and congratulating him on the returning good disposition of his country for America. "I hope," continued he, "it will tend to produce a general peace, which I am sure your lordship, with all good men, desires; which I wish to see before I die; and to which I shall with infinite pleasure contribute everything in my power."

This overture arrived most opportunely. Shelburne, as the elder secretary of state having his choice, elected the home department which then included America; so that he had by right the direction of all measures relating to the United States. On the fourth of April he instructed Sir Guy Carleton to proceed to New York with all possible expedition; and he would not suffer Arnold to return to the land which he had bargained to betray. On the same day he had an interview with Lau-

rens, then in England, as a prisoner on parole; and, having learned of him the powers of the American commissioners, before evening he selected for the diplomatic agent to treat with them Richard Oswald of Scotland. The king, moved by the acceptable part which Shelburne had "acted in the whole negotiation for forming the present administration," deviated from his purpose of total silence and gave his approval, alike to the attempt "to sound Mr. Franklin" and to the employment of Oswald, who had passed many years in America, understood it well, on questions of commerce agreed with Adam Smith, and now engaged in the business disinterestedly. By him, writing as friend to friend, Shelburne answered the overture of Franklin in words which are the key to the treaty that followed.

"London, 6 April 1782. Dear Sir, I have been favored with your letter, and am much obliged by your remembrance. I find myself returned nearly to the same situation which you remember me to have occupied nineteen years ago; and I should be very glad to talk to you as I did then, and afterward in 1767, upon the means of promoting the happiness of mankind, a subject much more agreeable to my nature than the best concerted plans for spreading misery and devastation. I have had a high opinion of the compass of your mind, and of your foresight. I have often been beholden to both, and shall be glad to be so again, as far as is compatible with your situation. Your letter, discovering the same disposition, has made me send to you Mr. Oswald. I have had a longer acquaintance with him than even with you. I believe him an honorable man, and, after consulting some of our common friends, I have thought him the fittest for the purpose. He is a pacifical man, and conversant in those negotiations which are most interesting to mankind. This has made me prefer him to any of our speculative friends, or to any person of higher rank. He is fully apprised of my mind, and you may give full credit to anything he assures you of. At the same time, if any other channel occurs to you, I am ready to embrace it. I wish to retain the same simplicity and good faith which subsisted between us in transactions of less importance. Shelburne."

With this credential, Oswald repaired to Paris by way of

Ostend. Laurens, proceeding to the Hague, found John Adams planning how to obtain a loan of money for the United States, and to negotiate a treaty of commerce and a triple alliance. Besides; believing that Shelburne was not in earnest, he was willing to wait till the British nation should be ripe for peace. In this manner the American negotiation was left in the hands of Franklin alone.

The dread of the United States of America became every day more intense in Spain from the desperate weakness of her authority in her transatlantic possessions. Her rule was hated in them all; and, as even her allies confessed, with good reason. The seeds of rebellion were already sown in the vice-royalties of Buenos Ayres and Peru; and a union of Creoles and Indians might at any moment prove fatal to metropolitan dominion. French statesmen were of opinion that England, by emancipating Spanish America, might indemnify itself for the independence of a part of its own colonial empire; and they foresaw in such a revolution the greatest benefit to the commerce of their own country. Immense naval preparations had been made by the Bourbons for the conquest of Jamaica; but now, from the fear of spreading the love of change, Florida Blanca suppressed every wish to acquire that hated nest of contraband trade. When the French ambassador in April reported to him the proposal of Vergennes to constitute its inhabitants an independent republic, he seemed to hear the tocsin of insurrection sounding from the La Plata to San Francisco, and from that time had nothing to propose for the employment of the allied fleets in the West Indies. He was perplexed beyond the power of extrication. One hope only remained. Minorca having been wrested from the English, he concentrated all the force of Spain in Europe on the recovery of Gibraltar, and compelled the aid of France through her promise not to make peace until that fortress should be given up.

Measures for a general peace must therefore begin with America. As the pacification of the late British dependencies belonged to the department of Lord Shelburne, the cabinet as a body respected his right to conduct the negotiation with the United States; but Fox, leagued with young men as uncontrollable as himself, resolved to fasten a quar-

rel upon him, and to get into his own hands every part of the negotiations for peace. At a cabinet meeting on the twelfth of April he told Shelburne and those who sided with him, that he was determined to bring the matter to a crisis; and on the same day he wrote to one of his young friends: "They must yield entirely. If they do not, we must go to war again; that is all: I am sure I am ready." Oswald at that moment was on his way to Paris, where on the sixteenth he went straightway to Franklin. The latter, speaking not his own opinion only, but that of congress and of every one of his associate commissioners, explained that the United States could not treat for peace with Great Britain unless it was likewise intended to treat with France; and, though Oswald desired to keep aloof from European affairs, he allowed himself to be introduced by Franklin to Vergennes, who received with pleasure assurances of the good disposition of the British king, reciprocated them on the part of his own sovereign, and invited an offer of its conditions. He wished America and France to treat directly with British plenipotentiaries, each for itself, the two negotiations to move on with equal step, and the two treaties to be simultaneously signed.

In the instruction to the peace plenipotentiary of the United States in August 1779, congress wrote: "It is of the utmost importance to the peace and commerce of the United States that Canada and Nova Scotia should be ceded, yet a desire of terminating the war has induced us not to make the acquisition an ultimatum." From Amsterdam, John Adams questioned whether, with Canada and Nova Scotia in the hands of the English, the Americans could ever have a real peace. In a like spirit Franklin, taking every precaution to keep this suggestion from the knowledge of the French government, intrusted to Oswald "Notes for Conversation," in which the voluntary cession of Canada was suggested as the surety "of a durable peace and a sweet reconciliation." At the same time he replied to his old friend Lord Shelburne: "I desire no other channel of communication between us than that of Mr. Oswald, which I think your lordship has chosen with much judgment. He will be witness of my acting with all the sincerity and good faith which you do me the honor to

expect from me; and if he is enabled, when he returns hither, to communicate more fully your lordship's mind on the principal points to be settled, I think it may contribute much to the blessed work our hearts are engaged in."

Another great step was taken by Franklin. He excluded Spain altogether from the American negotiation, and, as Adams was detained in Holland, and Jefferson was not in Europe, and Laurens was a prisoner on parole, in "a pressing letter" he entreated Jay, his only remaining colleague, to come to Paris, writing: "I wish you here as soon as possible; you would be of infinite service. Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the mean time mind our own business. I am, my dear friend, most affectionately yours."

On the twenty-third, shortly after the return of Oswald to London, the cabinet on his report agreed to send him again to Franklin to acquaint him of their readiness to treat at Paris for a general peace, conceding American independence, but otherwise maintaining the treaties of 1763. On the twenty-eighth, Shelburne, who was in earnest, gave to his agent the verbal instruction: "If America is independent, she must be so of the whole world, with no ostensible, tacit, or secret connection with France." Canada could not be ceded. It was "reasonable to expect a free trade, unencumbered with duties, to every part of America," words which, as used in those days, meant only that British ships should be admitted to every American port of entry without any discriminating duty. "All debts due to British subjects were to be secure, and the loyalists to be restored to a full enjoyment of their rights and privileges." As a compensation for the restoration of New York, Charleston, and Savannah, the river Penobscot might be proposed for the eastern boundary of New England. "Finally," he said, "tell Dr. Franklin candidly and confidentially Lord Shelburne's situation with the king; that his lordship will make no use of it but to keep his word with mankind." With these instructions, Oswald returned immediately to Paris, bearing from Shelburne to Franklin a most friendly letter, to which the king had given his thorough approval.

With the European belligerents, the communication was necessarily to proceed from the department of state for foreign affairs, of which Fox was the chief. He entered upon the business in a spirit that foreboded no success; for, at the moment of his selection of an emissary, he declared that he did not think it much signified how soon he should break up the cabinet. The person of whom he made choice to treat on the weightiest interests with the most skilful diplomatist of Europe was Thomas Grenville, one of his own partisans, a young man of an active and penetrating mind, but with no experience in public business, and a scant knowledge of the foreign relations of his own country.

Arriving in Paris on the eighth of May, Grenville delivered to Franklin a most cordial letter of introduction from Fox, and met with the heartiest welcome. On the next morning Franklin, after receiving him at breakfast, took him in his own carriage to Versailles; and there the dismissed postmaster-general for America, at the request of the British secretary of state, introduced the son of the author of the American stamp-act as the British plenipotentiary to the minister for foreign affairs of the Bourbon king. Statesmen at Paris and Vienna were amused on hearing that the envoy of the "rebel" colonies was become "the introductor" of the representatives of Great Britain at the court of Versailles.

Vergennes received Grenville most cordially as the nephew of an old friend, but smiled at his offer to grant to France the independence of the United States; and Franklin refused to accept at second hand that independence which his country had already won. Grenville remarked that the war had been provoked by encouragement from France to the Americans to revolt; to which Vergennes answered with warmth that France had found and not made America independent, and that American independence was not the only cause of the war. On the tenth, Grenville, unaccompanied by Franklin, met Vergennes and Aranda, and offered peace on the basis of the independence of the United States and the treaty of 1763. "That treaty," said Vergennes, "I can never read without a shudder. The king, my master, cannot in any treaty consider the independence of America as ceded to him. To do so would be in-

jurious to the dignity of his Britannic majesty." The Spanish ambassador urged with vehemence that the griefs of the king of Spain were totally distinct from the independence of America.

With regard to America, the frequent conversations of the young envoy with Franklin, who received him with constant hospitality, cleared up his views. It was explained to him with precision that the United States were free from every sort of engagement with France except those contained in the public treaties of commerce and alliance. Grenville asked if these obligations extended to the recovery of Gibraltar for Spain; and Franklin answered: "It is nothing to America who has Gibraltar." But Franklin saw in Grenville a young statesman ambitious of recommending himself as an able negotiator; in Oswald, a man who, free from interested motives, earnestly sought a final settlement of all differences between Great Britain and America. To the former he made no objection, but he would have been loath to lose the latter; and, before beginning to treat of the conditions of peace, he wrote to Shelburne his belief that the "moderation, prudent counsels, and sound judgment of Oswald might contribute much, not only to the speedy conclusion of a peace, but to the framing of such a peace as may be firm and lasting." The king, as he read the wishes of Franklin, which were seconded by Vergennes, "thought it best to let Oswald remain at Paris," saying that "his correspondence carried marks of coming from a man of sense."

While Oswald came to London to make his second report, news that better reconciled the English to treat for peace arrived from the Caribbean Islands. The fleet of de Grasse in 1781, after leaving the coast of the United States, gave to France the naval ascendency in the West Indies. St. Eustatius was recaptured, and generously restored to the United Provinces. St. Christopher, Nevis, and Montserrat were successively taken. On the nineteenth of February 1782, Rodney reappeared at Barbados with a reinforcement of twelve sail, and in the next week he effected a junction with the squadron of Hood to the leeward of Antigua. To cope with this great adversary, de Grasse, who was closely watched by

Rodney from St. Lucia, must unite with the Spanish squadron. For that purpose, on the eighth of April he turned his fleet out of Fort Royal in Martinique; and, with only the advantage of a few hours over the British, he ran for Hispaniola. On the ninth a partial engagement took place near the island of Dominica. At daylight on the twelfth, Rodney, by skilful manœuvres, drew near the French in the expanse of waters that lies between the islands of Guadaloupe, the Saintes, and Marie Galante. The sky was clear, the sea quiet; the trade-wind blew lightly, and, having the advantage of its unvarying breeze, Rodney made the signal for attack. The British had thirty-six ships; the French, with a less number, excelled in the weight of metal. The French ships were better built; the British in superior repair. The complement of the French crews was the more full, but the British mariners were better disciplined. The fight began at seven in the morning, and, without a respite of seven minutes, it continued for eleven hours. The French handled their guns well at a distance, but in close fight there was a want of personal exertion and presence of mind. About the time when the sun was at the highest Rodney cut the line of his enemy; and the battle was continued in detail, all the ships on each side being nearly equally engaged. The Ville de Paris, the flag-ship of de Grasse, did not strike its colors till it was near foundering, and only three men were left unhurt on the upper deck. Four other ships of his fleet were captured; one sunk in the action.

On the side of the victors about one thousand were killed or wounded; of the French, thrice as many, for their ships were crowded with over five thousand land troops, and the fire of the British was rapid and well aimed. The going down of the sun put an end to the battle, and Rodney neglected pursuit. Just at nightfall one of the ships of which the English had taken possession blew up. Of the poor wretches who were cast into the sea, some clung to bits of the wreck; the sharks, of which the fight had rallied shoals from the waters round about, tore them off, and even after the carnage of the day could hardly be glutted.

The feeling of having recovered the superiority at sea reconciled England to the idea of peace. On the eighteenth of

May, the day on which tidings of the victory were received, the cabinet agreed to invite proposals from Vergennes. Soon after this came a letter from Grenville, in which he argued that, as America had been the road to war with France, so it offered the most practicable way of getting out of it; and the cabinet agreed to a minute almost in his words, "to propose the independency of America in the first instance, instead of making it a condition of a general treaty." The language of Fox was accepted by Shelburne, was imbodied by him in his instructions to Sir Guy Carleton at New York, and formed the rule of action for Oswald on his return with renewed authority to Paris. Independence was, as the king expressed it, "the dreadful price now offered to America" for peace.

A commission was forwarded to Grenville by Fox to treat with France, but with no other country; yet he devoted nearly all his letter of instructions to the relations with America, showing that in a negotiation for peace the United States ought not to be encumbered by a power like Spain, "which had never assisted them during the war, and had even refused to acknowledge their independence."

When Grenville laid before Vergennes his credentials, he received the answer that they were very insufficient, as they did not enable him to treat with Spain and America, the allies of France; or with the Netherlands, her partner in the war. Repulsed at Versailles, Grenville took upon himself to play the plenipotentiary with America; on the fourth of June he confided to Franklin the minute of the cabinet, and hoped to draw from him in return the American conditions for a separate peace. But Franklin would not unfold the American conditions to a person not authorized to receive them. Irritated by this "unlucky check," which "completely annihilated" his hopes of a great diplomatic success, Grenville made bitter and passionate and altogether groundless complaints of Oswald. He would have Fox not lose one moment to fight the battle against Shelburne, and to take to himself the American business by comprehending all the negotiations for peace in one.

Though Fox had given up all present hope of making peace, he enlarged the powers of Grenville so as to include any potentate or state then at war with Great Britain; and he beat about

for proofs of Shelburne's "duplicity of conduct," resolved, if he could but get them, to "drive to an open rupture."

Under his extended powers, Grenville made haste to claim the right to treat with America; but, when questioned by Franklin, he was obliged to own that he was acting without the sanction of parliament. Within twenty-four hours of the passing of the act of parliament enabling the king to treat for peace with America, the powers for Oswald as a negotiator of peace with the United States were begun upon, and were "completely finished in the four days following;" but, on the assertion of Fox that they would prejudice everything then depending in Paris, they were held back. Fox then proposed that America, even without a treaty, should be recognised as an independent power. Had he prevailed, the business of America must have passed from the home department to that for foreign affairs; but, after full reflection, the cabinet decided "that independence should in the first instance be allowed as the basis to treat on." Professing discontent, "Fox declared that his part was taken to quit his office."

The next day Lord Rockingham expired. His ministry left great memorials of its short career. Through the mediation of Shelburne, it forced the king to treat for peace with the United States on the basis of their independence. It emancipated the trade of Ireland. The volunteer army of that kingdom, commanded by officers of its own choice, having increased to nearly fifty thousand well-armed men, united under one general-in-chief, the viceroy reported that, "unless it was determined that the knot which bound the two countries should be severed forever," the points required by the Irish parliament must be conceded. Fox would rather have seen Ireland totally separated than kept in obedience by force. Eden, one of Lord North's commissioners in America and lately his secretary for Ireland, in a moment of ill-humor was the first to propose the repeal of the act of George I., which asserted the right of the parliament of Great Britain to make laws to bind the people and the kingdom of Ireland; and, after reflection, the ministry of Rockingham adopted and carried the measure. Appeals from Irish courts of law to the British house of peers were abolished; and Ireland, owning allegiance

to the same king as Great Britain, wrenched from the British parliament the independence of its own. These were the first-fruits of the American revolution; but the gratitude of the Irish took the direction of loyalty to their king, and in 1782 their legislature voted one hundred thousand pounds for the levy of twenty thousand seamen.

During the ministry of Rockingham the British house of commons, for the first time since the days of Cromwell, seriously considered the question of a reform in the representation of Great Britain. The author of the proposition was William Pitt, then without office, but the acknowledged heir of the principles of Chatham. The resolution of inquiry was received with ill-concealed repugnance by Rockingham. Its support by Fox was lukewarm, and bore the mark of his aristocratic connections. Edmund Burke, in his fixed opposition to reform, was almost beside himself with passion, and was with difficulty persuaded to remain away from the debate. The friends of Shelburne, on the contrary, gave to the motion their cordial support; yet, by the absence and opposition of many of the Rockingham connection, the question on this first division in the house of commons upon the state of the representation in the British parliament was lost, though only by a majority of twenty. The freedom of Ireland and the hope of reform in the British parliament itself went hand in hand with the triumph of liberty in America.

The accession of a liberal ministry revived in Frederic of Prussia his old inclination to friendly relations with England. The empress of Russia included the government in her admiration of the British people; and Fox on his side, with the consent of the ministry, but to the great vexation of the king, accepted her declaration of the maritime rights of neutrals. At the moment no practical result followed; for the cabinet, as the price of their formal adhesion to her code, demanded her alliance.

CHAPTER VI.

SHELBURNE STRIVES SINCERELY FOR PEACE.

JULY–AUGUST 1782.

ON the death of Rockingham, the king offered to Shelburne by letter "the employment of first lord of the treasury, and with it the fullest political confidence." Of no British minister had the principles been so liberal. He wished a thorough reform of the representation of the people of Great Britain in parliament. Far from him was the thought that the prosperity of America could be injurious to England. He regarded neighboring nations as associates ministering to each other's welfare, and wished to form with France treaties of commerce as well as of peace. But Fox, who was entreated to remain in the ministry as secretary of state with a colleague of his own choosing and an ample share of power, set up against him the narrow-minded duke of Portland, under whose name the old aristocracy was to rule parliament, king, and people. To gratify the violence of his headstrong pride, he threw away the opportunity of taking a chief part in restoring peace to the world, and struck a blow at liberal government in his own country from which it did not recover in his lifetime.

The old whig aristocracy was on the eve of dissolution. In a few years those of its members who, like Burke and the duke of Portland, were averse to "shaking the smallest particle of the settlement at the revolution of 1688," were to merge themselves in the new tory or conservative party; the rest adopted the watchword of reform; and, when they began to govern, it was with the principles of Chatham and Shelburne. Fox, who was already brooding on a coalition with

the ministry so lately overthrown, insisted with his friends that Lord Shelburne was as fully devoted to the court as Lord North in his worst days. But Lord North, in his love of office, had, contrary to his own judgment, persisted in the American war to please the king; Shelburne accepted power only after he had brought the king to consent to peace with independent America.

For the home department the king preferred William Pitt, who seemed to be in little danger of "becoming too much dipped in the wild measures" of "the leaders of sedition;" but it was assigned to the more experienced Thomas Townshend; and Pitt, at three-and-twenty years old, became chancellor of the exchequer. The seals of the foreign office were intrusted to Lord Grantham.

In the house of commons Fox, on the ninth of July, made his defence, which, in its vagueness and hesitation, betrayed his consciousness that he had no ground to stand upon. In the debate Conway said with truth that eagerness for exclusive power had been the guiding motive of Fox, between whom and Shelburne the difference of policy for America was very immaterial; but Shelburne had been able to convince his royal master that an acquiescence in its independence was, from the situation of the country and the necessity of the case, the wisest and most expedient measure that government could adopt. Burke called heaven and earth to witness the sincerity of his belief that "the ministry of Lord Shelburne would be fifty times worse than that of Lord North," declaring that "his accursed principles were to be found in Machiavel, and that but for want of understanding he would be a Catiline or a Borgia." "Shelburne has been faithful and just to me," wrote William Jones to Burke, deprecating his vehemence: "the principles which he has professed to me are such as my reason approved." "In all my intercourse with him, I never saw any instance of his being insincere," wrote Franklin, long after Shelburne had retired from office. On the tenth, Shelburne said in the house of lords: "I stand firmly upon my consistency. I never will consent that a certain number of great lords should elect a prime minister who is the creature of an aristocracy and is vested with the plenitude of power, while the king is

nothing more than a pageant or a puppet. In that case, the monarchical part of the constitution would be absorbed by the aristocracy, and the famed constitution of England would be no more. The members of the cabinet can vouch that the principle laid down relative to peace with America has not in the smallest degree been departed from. Nothing is farther from my intention than to renew the war in America; the sword is sheathed, never to be drawn there again."

On the day on which Fox withdrew from the ministry, Shelburne wrote to Oswald: "I hope to receive early assurances from you that my confidence in the sincerity and good faith of Doctor Franklin has not been misplaced, and that he will concur with you in endeavoring to render effectual the great work in which our hearts and wishes are so equally interested. We have adopted his idea of the method to come to a general pacification by treating separately with each party. I beg him to believe that I can have no idea or design of acting toward him and his associates but in the most open, liberal, and honorable manner."

Franklin, from his long residence in England, knew thoroughly well the relations of its parties, and the character of its public men, of whom the best were his personal friends. He was aware how precarious was the hold of Shelburne on power; and he made all haste to bring about an immediate pacification. On the tenth of July, in his own house near Paris, and at his own invitation, he had an interview with Oswald, and proposed to him the American conditions of peace. The articles which could not be departed from were: the full and complete independence of the thirteen states, and the withdrawal of all British troops from them; the territorial integrity of each one of them, as they were before the Quebec act of 1774, if not a still more contracted state, on a more ancient footing; the settlement of the boundaries between the American colonies and Canada; a freedom of fishing on the banks of Newfoundland and elsewhere, as well for fishes as whales, and, as Oswald understood him, with the right to dry fish on land. Having already explained that nothing could be done for the loyalists by the United States, as their estates had been confiscated by laws of particular states which congress had no

power to repeal, he further demonstrated that Great Britain, by its conduct and example, had forfeited every right to intercede for them. To prove it he read to Oswald the orders of the British in Carolina for confiscating and selling the lands and property of all patriots under the direction of the military; and he declared definitively that, though the separate governments might show compassion where it was deserved, the American commissioners for peace could not make compensation of refugees a part of the treaty. He further directed attention to the persistent, systematic destruction of American property by the British armies, as furnishing a claim to indemnity which might be set off against the demands of British merchants for debts contracted before the war. Franklin recommended, but not as an ultimatum, a perfect reciprocity in regard to ships and trade. He was at that time employed on a treaty of reimbursement to France by the United States for its advances of money; and he explained to Oswald, as he had before explained to Grenville, the exact limit of their obligations to France.

Franklin intimated that American affairs must be ended by a separate commission, and that he did not from any connection with other states hesitate as to coming to a conclusion, so as to end the American quarrel in a short time. The negotiation was opened and kept up with the knowledge of Vergennes; but Franklin withheld from him everything relating to its conditions. Jay, who had arrived in Paris on the twenty-third of June, from severe illness took no part in this interview.

The moment when England accepted the necessity of conceding independence to the thirteen colonies which she had trained to the love of freedom and by her own inconsistencies had forced to take up arms, was in its importance one of the grandest moments in her history. But the voice of the house of commons was confused by its memories and regrets, the rancor of conflicting parties, and the reserve of statesmen for whom the new morning was about to dawn. The house of commons, as with averted eyes it framed a bill permitting its king to let thirteen colonies go free, did its work awkwardly but thoroughly. They expressed the wish for peace, and authorized the king to treat with the thirteen enumerated colo-

nies as one power. The officials who drew the commission for Oswald could not but move on the lines prescribed by parliament, and frame the commission of the negotiator for peace with shyness, designating the thirteen "colonies" by name, and clearly and certainly inviting their commissioners as the representatives of one self-existent power to treat for peace. Throughout the paper the greatest care was taken not to question their independence, which by plain implication was taken for granted.

So soon as Shelburne saw a prospect of a general pacification, Alleyne Fitzherbert, the British minister at Brussels, was transferred to Paris, to be the channel of communication with Spain, France, and Holland. He brought letters to Franklin from Lord Grantham who expressed his desire to merit Franklin's confidence, and from Townshend who declared himself the zealous friend to peace upon the fairest and most liberal terms.

While the commission and instructions of Oswald were preparing, Shelburne accepted the ultimatum of Franklin in all its branches; and on the twenty-seventh he replied to Oswald: "Your several letters give me the greatest satisfaction, as they contain unequivocal proofs of Doctor Franklin's sincerity and confidence in those with whom he treats. It will be the study of his majesty's ministers to return it by every possible cordiality. There never have been two opinions since you were sent to Paris upon the acknowledgment of American independency. But, to put this matter out of all possibility of doubt, a commission will be immediately forwarded to you containing full powers to make the independency of the colonies the basis and preliminary of the treaty now depending. I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, habits, and every tie short of territorial proximity. But I have long since given it up, decidedly though reluctantly; and the same motives which made me, perhaps, the last to give up all hope of reunion make me most anxious, if it is given up, that it shall be done so as to avoid all future risk of enmity and lay the foundation of a new connection, better adapted to the temper and interest of both countries. In this view I go further with Dr. Franklin, perhaps, than he is aware of. I

consider myself as pledged to the contents of this letter. You will find the ministry united, in full possession of the king's confidence, and thoroughly disposed to peace, if it can be obtained upon reasonable terms."

The commission to Oswald conformed to the enabling act of parliament. The thirteen "colonies or plantations" in North America were named one by one, and a commissioner appointed, with power, according to the language of the treaty of alliance between France and America, to conclude "a peace or a truce" with any commissioner named by the said colonies and plantations. The worst feature in the commission was that the British commissioner, while he was empowered to treat with the colonies collectively, might also treat with "any part or parts" of them. Every word which could suggest a denial of their independence was avoided. The king pledged his name and word to ratify and confirm whatever might be concluded between the British and the American commissioners; "our earnest wish for peace," such were the simultaneous instructions under the king's own hand, "disposing us to purchase it at the price of acceding to the complete independence of the thirteen states."

No British statesman was so determined as Shelburne to bring about "not merely peace, but reconciliation with America on the noblest terms and by the noblest means." If the benefit of his good-will is to be secured, the work must be finished before the next meeting of parliament, when his ministry will surely be overthrown. Now is the accepted time; the board of trade no longer exists to interpose its cavils; the ready decision of Shelburne will give no opportunity for interested people to take alarm. Let the nature of the negotiations get abroad, and Canada will exact a southern access to the Atlantic; the Hudson Bay company and the fur-traders of Canada will clamor for keeping Oswego and Niagara; and Detroit and Chicago, and with them the best avenues to the North-west, the West, and the South-west, will certainly be withheld. How, then, can a patriotic American commissioner place needless embarrassments in Shelburne's way?

An advanced copy of the commission reached Oswald on the evening of the sixth of August. Early the next morning

he carried a copy of it to Franklin at Passy. Franklin, glad to the heart, repeated what he had said in June: "I hope we shall agree, and not be long about it." He related that the day before at Versailles, Vergennes had expressed impatience for its arrival, that his own negotiations with Fitzherbert might go on hand in hand with those of the Americans and Oswald.

Returning to Paris, Oswald showed the commission to Jay, whom he describes as "a sensible man of plain yet civil manners, and of a calm, obliging temper." Jay said: "That independence ought to be no part of a treaty; it ought to have been expressly granted by act of parliament. As that was not done, the king ought to do it now by proclamation, and order all garrisons to be evacuated, and then close the American war by a treaty." He surpassed Franklin in enlarging on the obligations and the gratitude due from the United States to France. England, he said, "must not expect to get back all the conquests which the French have made during the war." They of America "must fulfil their treaty; they are a young republic just come into the world, and if they forfeit their character at the first outset they will never be trusted again, and should become a proverb amongst mankind." Oswald's "great expectations from his conversation with Franklin were damped by the unpleasant reception from Jay." *

The advanced copy of Oswald's commission Franklin submitted to Vergennes. "I will examine it with the greatest attention," he wrote in answer. From the terms of the treaty of alliance between France and America, he was bound to form, and had a right to express, an opinion, and was most anxious that nothing might delay an early peace. Holding a conference with them on the tenth of August, he declared to them his opinion that they might proceed to treat with Oswald under the commission as soon as the original should arrive. Jay replied: "It would be descending from the ground of independence to treat under the description of colonies." Vergennes persisted in the opinion that the powers given to Oswald were sufficient, saying correctly: "This acceptance of your powers, in which you are styled commissioners from the

* Oswald's Minutes of Conversation with the American Commissioners, 7 August 1782. MS.

United States of America, will be a tacit confession of your independence." Franklin, who had made a careful study of the subject, had no doubt that the commission "would do."

John Adams, the head of the commission, in July of the preceding year, after reflecting on the question, had sent to the American congress his opinion: "I see nothing inconsistent with the character or dignity of the United States in their minister entering into treaty with a British minister without any explicit acknowledgment of our independence before the conclusion of the treaty." *

To Franklin, Jay, blinded by suspicion, made the remark: "The count does not wish to see our independence acknowledged by Britain until they have made all their uses of us." If this had been true, Jay should have taken the surest and the shortest way of defeating the plan by proceeding at once to frame the treaty of peace with England; and he himself writes that such a treaty could have been finished "in a few hours." By refusing to do so, he himself was carrying into effect the ill design which he imputed to Vergennes. The enabling act of parliament avowed peace for its object. The king could find no consolation for consenting to the dismemberment of the empire but peace; if war was to continue, Britain could have no motive to publish to neutral nations that the United States waged war as an independent power. America had gone to war, first for its rights and then for independence; at the same moment with independence it needed and sighed for peace. Jay's commission gave him no office but to make peace. But he said: "The commission calls us colonies." He would have no "half-way" mode of acknowledging American "independence." † He would not treat at all until the independence of the United States had been irrevocably acknowledged. He cited the case of the Netherlands as having refused to enter into any treaty until they were declared free states; but he was wrong in his allegation. He insinuated that delay on the part of the English would justify suspicion of their designs. Ceasing to insist on independence by an act

* John Adams to the President of Congress, 15 July 1781. Works of John Adams, vii., 440.

† Diplomatic Correspondence, viii., 126, 128, 130, 136, 138, 146, 147.

of parliament or a royal proclamation, he next proposed that the king should make a certification of independence by a separate deed or patent under the great seal; but at last consented to be satisfied if it should find its place in a separate preliminary covenant, to "be ratified or declared as absolutely and irrevocably acknowledged and unconditioned by the event of other or subsequent articles." *

Franklin saw with dismay that the sands of Shelburne's official life were fast running out, and that with his removal the only chance of the favorable peace now so nearly concluded would be lost.

Oswald, in a letter to Shelburne, bore this just and noble witness to Franklin: "Considering how long he has lived here, and how he has been caressed, it must require a great share of resolution not to feel the effects of it even in matters of business; yet upon the whole I must still say I have neither seen nor heard of anything that can make me doubt of his sincerity nor of his attachment to his friends," meaning by those friends Lord Shelburne and his ministry.†

Unable to prevent the mischief of delay, Franklin was vigilant in observing and prompt in counteracting evil influences as promptly as they arose. On the twelfth of August 1782 he wrote to Secretary Livingston: "My conjecture of the design of Spain to coop us up within the Alleghany Mountains is now manifested. I hope congress will insist on the Mississippi as the boundary, and the free navigation of the river." ‡ But he could not dissuade his colleague from arresting the negotiation for peace, and exposing its ultimate success to the greatest and most imminent hazard.

The delay prolonged the sorrows of America. British partisans, under leaders selected from the most brutal of mankind, were scouring the interior of the southern country, robbing, destroying, and taking life at their pleasure. "On the twelfth of March," writes David Fanning, the ruffian leader of one of these bands, "my men, being all properly equipped, assembled together to give the rebels a small scourge,

* Oswald to Secretary Townshend, 17 August 1782.

† Oswald to Shelburne. 8th September 1782. Lansdowne House MSS.

‡ Diplomatic Correspondence, iii., 497.

which we set out for." They came upon the plantation of Andrew Balfour of Randolph county, who had been a member of the North Carolina assembly, and held a commission in the militia. Breaking into his house, they fired at him in the presence of his sister and daughter, the first ball passing through his body, the second through his neck. They "burned several rebel houses" on their way to the abode of another militia officer, who received three balls through his shirt, and yet made his escape. They destroyed the whole of his plantation. Reaching the house of "another rebel officer," "I told him," writes Fanning, "if he would come out of the house I would give him parole, which he refused. With that I ordered the house to be set on fire. As soon as he saw the flames increasing he called out to me to spare his house for his wife's and children's sake, and he would walk out with his arms in his hands. I answered him that, if he would walk out, his house should be spared for his wife and children. When he came out he said: 'Here I am;' with that he received two balls through his body. I proceeded on to one Major Dugin's plantation, and I destroyed all his property, and all the rebel officers' property in the settlement for the distance of forty miles. On our way I catched a commissary from Salisbury and delivered him up to some of my men whom he had treated ill when prisoners, and they immediately hung him. On the eighteenth of April I set out for Chatham, where I learned that a wedding was to be that day. We surrounded the house and drove all out one by one. I found one concealed upstairs. Having my pistols in my hand, I discharged them both at his breast; he fell, and that night expired."* Yet this Fanning held a British commission as colonel of the loyal militia in Randolph and Chatham counties, with authority to grant commissions to others as captains and subalterns; and, after the war, was recommended by the office of American claims as a proper person to be put upon the half-pay list.

At the North, within the immediate precincts of the authority of Clinton, Colonel James Delancy, of West Chester, caused three "rebels" to be publicly executed within the British lines, in retaliation for the pretended murder of some of

* The authority is Fanning's own Journal.

the refugees. In New York, on the eighth of April, the directors of the associated loyalists ordered Lieutenant Joshua Huddy, a prisoner of war in New York, to be delivered to Captain Lippincot, and, under the pretext of an exchange, taken into New Jersey, where he was hanged by a party of loyalists on the heights of Middleton, in revenge for the death of a loyalist prisoner who had been shot as he was attempting to escape. Congress and Washington demanded the delivery of Lippincot as a murderer. Clinton refused the requisition, but subjected him to a court-martial, which condemned the deed but found in the orders under which he acted a loop-hole for his acquittal. Congress threatened retaliation on a British officer, never intending to execute the threat.

The spirit of humanity governed the conduct of the British as soon as Shelburne became minister. Those who had been imprisoned in England for treason were from that time treated as prisoners of war. Some of the ministers took part in relieving their distresses; and in the course of the summer six hundred of them or more were sent to America for exchange. Sir Guy Carleton, who, on the fifth of May 1782, superseded Sir Henry Clinton as commander-in-chief, desired an end to hostilities of every kind, treated all captives with gentleness; and set some of them free. When Washington asked that the Carolinians who had been exiled in violation of the capitulation of Charleston might have leave to return to their native state under a flag of truce, Carleton answered that they should be sent back at the cost of the king of England; and that everything should be done to make them forget the hardships which they had endured. Two hundred Iroquois, two hundred Ottawas, and seventy Chippewas came in the summer to St. John's on the Chambly, ready to make a raid into the state of New York. They were told from Carleton to bury their hatchets and their tomahawks.

In Georgia, Wayne drove the British from post after post and redoubt after redoubt, until they were completely shut up in Savannah. In the rest of the state, its own civil government was restored. On the eleventh of July, Savannah was evacuated, the loyalists retreating into Florida, the regulars to Charleston; and Wayne, with his small but trustworthy corps,

joined Greene in South Carolina. His successes had been gained by troops who had neither regular food nor clothing nor pay.

In conformity to writs issued by Rutledge as governor, the assembly of South Carolina met in January at Jacksonborough on the Edisto. The assassinations and ravages committed under the authority of Lord George Germain never once led Greene, or Wayne, or Marion, or any other in high command, to injure the property or take the life of a loyalist, except in battle. Against the advice of Gadsden, who insisted that it was sound policy to forget and forgive, laws were enacted banishing the active friends of the British government and confiscating their estates.

The summer of 1782 went by with no military events beyond skirmishes. In repelling with an inferior force a party of the British sent to Combahee ferry to collect provisions, Laurens, then but twenty-seven years old, received a mortal wound. "He had not a fault that I could discover," said Washington, "unless it were intrepidity bordering upon rashness." Near the end of the year, Wilmot, a worthy officer of the Maryland line, was killed in an enterprise against James Island. He was the last who fell in the war.

A vehement impulse toward "the consolidation of the federal union" was given by Robert Morris, the finance minister of the confederation; but he connected the reform of the confederation with boldly speculative financial theories. A native of England, he never gained the sympathy or approbation of the American people. In May 1781, by highly colored promises of a better administration of the national finances and by appeals to patriotism, he succeeded in overcoming the scruples of congress, and obtained from it a charter for a national bank, of which the notes, payable on demand, should be receivable as specie for duties and taxes, and in payment of dues from the respective states. The charter was granted by the votes of New Hampshire, New Jersey, Maryland, Virginia with Madison dissenting, North and South Carolina, and Georgia—seven states; from Rhode Island and Connecticut single delegates answered "ay." Pennsylvania was equally divided; Massachusetts alone voted against the measure.

Before the end of the year the opinion prevailed that the articles of confederation contained no power to incorporate a bank; but congress had pledged its word. As a compromise, the corporation was forbidden to exercise any powers in any of the United States repugnant to the laws or constitution of such state; and it was recommended to the several states to give to the incorporating ordinance its full operation. These requisitions Madison regarded as an admission of the defect of power, and an antidote against the poisonous tendency of precedents of usurpation. The capital of the bank was four hundred thousand dollars, of which Morris took one half as an investment of the United States, paying for it in full with money, which was due to the army. On the seventh of January 1782 the bank commenced its very lucrative business. Its notes, though payable at Philadelphia in specie, did not command public confidence at a distance, and the corporation was able to buy up its own promises at from ten to fifteen per cent discount.

His first measure having been carried, he threw his rough energy into the design of initiating a strong central government. He engaged the services of Thomas Paine to recommend to the people a new confederation with competent powers. To the president of congress he wrote: "I disclaim a delicacy which influences some minds to treat the states with tenderness and even adulation, while they are in the habitual inattention to the calls of national interest and honor; nor will I be deterred from waking those who slumber on the brink of ruin. Supported by the voice of the United States in congress, I may perhaps do something; without that support, I must be a useless incumbrance."

To fund the public debt and provide for the regular payment of the interest on it, he proposed a very moderate land-tax, a poll-tax, and an excise on distilled liquors. Each of these taxes was estimated to produce half a million; a duty of five per cent on imports would produce a million more. The back lands were to be reserved as security for new loans in Europe.

The expenditures of the United States for the war had been at the rate of twenty millions of dollars in specie an-

nually. The estimates for the year 1782 were for eight millions of dollars. Yet, in the first five months of the year, the sums received amounted to less than twenty thousand dollars, which were but the estimated expenses for a single day; and of this sum not a shilling had been received from the East or the South. A vehement circular of Morris to the states was suppressed by the advice of Madison, and one congressional committee was sent to importune the states of the North, another those of the South.

An aged officer of the army, colonel in rank, unheard of in action, Nicola by name, not an American by birth, clung obstinately to the opinion that republics are unstable, and that a mixed government, of which the head might bear the title of king, would be best able to extricate the United States from their embarrassments. In a private letter to Washington, written, so far as appears, without concert with any one, he set forth his views in favor of monarchy, with an intimation that, after discussion, it would be readily adopted by the people, and that he who had so gloriously conducted the war should conduct the country "in the smoother paths of peace."

To this communication Washington, on the twenty-second of May, replied: "No occurrence in the course of the war has given me more painful sensations than your information of there being such ideas existing in the army as you have expressed, and I must view with abhorrence and reprehend with severity. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. Let me conjure you, then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind, and never communicate, as from yourself or any one else, a sentiment of the like nature."

The confederation acted only on the states, and not on persons; yet Morris obtained from congress authority to appoint receivers of the revenues of the United States. From the siege of Yorktown, Hamilton had repaired to Albany for the study of the law, that in summer he might be received as attorney, in autumn as counsellor, yet ready, if the war should be renewed, to take part in its dangers and its honors. Him

Morris appointed collector of the revenue for the district of the state of New York. The office, which he accepted with hesitation, was almost a sinecure; but he was instructed by Morris to exert his talents with the New York legislature to forward the views of congress. He had meditated on the facility with which the eastern states had met in convention to deliberate jointly on the best methods of supporting the war. On the next meeting of the New York legislature he repaired to Poughkeepsie and explained his views on the only system by which the United States could obtain a constitution. On the nineteenth of July, Schuyler, his father-in-law, invited the senate to take into consideration the state of the nation. The committee into which that body at once resolved itself reported, "that the radical source of most of the public embarrassments was the want of sufficient power in congress to effectuate the ready and perfect co-operation of the states; that the powers of government ought without loss of time to be extended; that the general government ought to have power to provide revenue for itself"; and it was declared "that the foregoing important ends can never be attained by deliberations of the states separately; but that it is essential to the common welfare that there should be as soon as possible a conference of the whole on the subject; and that it would be advisable for this purpose to propose to congress to recommend, and to each state to adopt, the measure of assembling a general convention of the states, specially authorized to revise and amend the confederation, reserving a right to the respective legislatures to ratify their determinations."

These resolutions, offered by Schuyler in the senate, were accepted unanimously by each branch of the legislature; and Hamilton was elected a delegate to the congress of the United States. Robert Morris saw the transcendent importance of the proceedings of the New York legislature, and welcomed the young statesman to his new career, saying: "A firm, wise, manly system of federal government is what I once wished, what I now hope, what I dare not expect, but what I will not despair of." Under these auspices Hamilton of New York became the colleague in congress of Madison of Virginia.

On the last day of July, Morris sent to congress his budget for 1783, amounting at the least to nine millions of dollars; and he could think of no way to obtain this sum but by borrowing four millions and raising five millions by quotas. The best hopes of supporting the public credit lay in the proposal to endow congress with the right to levy a duty of five per cent on imports.

The request of congress, made in February 1781, to the states for this power, encountered hostility in Massachusetts. In a letter from its general court to congress complaint was made that the state was called upon for more than its proper share of contributions; that the duty on imports would be an unequal burden; that the proposition could not be acceded to unless the produce of the tax should be passed to the special credit of the commonwealth. Congress in its reply brought to mind that the interest on the public debt already exceeded a million of dollars; that Massachusetts enjoyed the peculiar blessing of great commercial advantages denied by the fortune of common war to their less happy sister states; that duties levied on imports are paid by the consumer, and ought not to be retained by the state which has the benefit of the importation; and it strongly urged a compliance with the proposition in question, as just and expedient, impartial and easy of execution, and alone offering a prospect of redressing the just complaints of the public creditors. After delays of more than a year, on the fourth of May 1782 the general court gave way by a majority of two in the house and of one in the senate. The exemption from duty of "wool-cards, cotton-cards, and wire for making them," shows the wish of congress to foster incipient manufactures. The act reserved to the general court the election of the collectors of the revenue, which it appropriated exclusively to the payment of the debts of the United States, contracted or to be contracted during the existing war. With their payment it was to expire. Even this meagre concession received the veto of Hancock, the governor, though it was given one day too late to be of force.

As the federal articles required the unanimous assent of the states for the adoption of an amendment, the negative of Rhode Island seemed still to throw in the way of a good gov-

ernment hindrances which could not be overcome. Yet union was rooted in the heart of the American people. The device for its great seal, adopted by congress in the midsummer of 1781, is the American eagle, as the emblem of strength which uses victory only for peace. It holds in its right talon the olive-branch; with the left it clasps thirteen arrows, emblems of the thirteen states. On an azure field over the head of the eagle appears a constellation of thirteen stars breaking gloriously through a cloud. In the eagle's beak is the scroll, "E pluribus unum," many and one, out of diversity unity, freedom of each individual state and unity of all the states, as the expression of conscious nationality, the two ideas that make America great. By further emblems congress showed its faith that the unfinished commonwealth, standing upon the broadest foundation, would be built up in strength, that heaven approved what had been undertaken, that "a new line of ages" was begun.

The condition of the treasury of the United States was deplorable. Of the quotas for which requisitions had been made on the states, only four hundred and twenty-two thousand dollars were collected. Delaware and the three southernmost states paid nothing. Rhode Island, which paid thirty-eight thousand dollars, or a little more than a sixth of its quota, was proportionately the largest contributor. Only by the payment of usurious rates was the army rescued from being starved or disbanded. "Their patriotism and distress," wrote Washington in October, "have scarcely ever been paralleled, never been surpassed. Their long-sufferance is almost exhausted; it is high time for a peace."

CHAPTER VII.

PEACE BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN.

FROM SEPTEMBER FIRST TO THE END OF NOVEMBER 1782.

FRANCE needed peace; Vergennes and his king strove to hasten it. The French navy was declining; the peasantry were crushed by their burdens; no one saw a way to meet the cost of another campaign. In Paris the fashionable language was, that France had been the dupe of her allies, the Americans and the Spaniards.*

The French minister pursued peace through the complicated difficulties created by the conflicting interests of the four powers which were at war with England; and he saw no way to success except their pretensions could be brought into harmony by his controlling advice.

The family alliance of the Bourbons bound the king of France most closely to the king of Spain by a permanent federation. Spanish interests France had pledged itself to treat as its own; and Spain, at the cost of France, impeded peace by the extravagance of her demands.

The Netherlands consented for the time to lean on France, but neither France nor Holland could look forward to a long continuance of their connection.

Between France and the United States the mutual obligations by treaty, so far as they related to the continuance of the war, would end when Great Britain should acknowledge, or at least acquiesce in, their independence.

It was the passion of Spain to include within her dominions

* Fitzherbert to Lord Grantham, 8 October 1782.

every part of the Gulf of Mexico and both banks of the Mississippi. To that end she needed at the peace to regain West Florida, and to throw back the United States to the eastern side of the Alleghanies. The French officials secretly laughed at her attempt to resist the advance of the United States to the Mississippi; but France, without disguise, seconded her demands.

It was not the wish of Vergennes that the republic which he fostered should become a formidable power; he was willing to nurse a rivalry between the British in America and the United States, and his secretary did not scruple to point out to Lord Shelburne where proofs might be found that Canada of old included Oswego and Niagara and all the country on the south to the summit level from which the waters flow to the great lakes. Beyond the Alleghanies, he desired that all which was claimed by the United States to the west and northwest of Pittsburg should remain with Great Britain. But well as it suited his policy to encourage Great Britain in curbing the aspirations of the United States, he would rather see them succeed in all their objects than risk delay in ending the war.

In England peace was desired by the king and his ministry, by every class of politicians, by the merchants, the manufacturers, and the landholders. A ministry which can lay before parliament a good settlement with all the enemies of England may hope for the support of a safe majority. A meeting of the whole cabinet gave a careful consideration to the attitude of Jay; and by their direction, on the first of September 1782, Thomas Townshend, the secretary of state, who conducted the negotiations with America, wrote to Oswald:

"In order to give the most unequivocal proof of the king's earnest wish to remove every impediment to a speedy termination of the calamities of war, I am commanded to signify to you his majesty's disposition to agree to the plan of pacification proposed by Doctor Franklin himself, including as it does independence, full and complete in every sense, as part of the first article; a settlement of the boundaries; a confinement of the boundaries of Canada at least to what they were before the act of parliament of 1774, if not to a still more contracted state on an ancient footing; a freedom of fishing

on the banks of Newfoundland and elsewhere, the privilege of drying not being included. His majesty has authorized you to go to the full extent of" these articles. "His majesty is also pleased, for the salutary purposes of precluding all further delay or embarrassment of negotiation, to waive any stipulation by the treaty for the undoubted rights of the merchants whose debts accrued before the year 1775, and also for the claims of the refugees for compensation for their losses, as Doctor Franklin declares himself unauthorized to conclude upon that subject.

"But if, after having pressed this plan of treaty, you should find the American commissioners determined not to proceed unless the independence be irrevocably acknowledged without reference to the final settlement of the rest of the treaty, you are then, but in the very last resort, to inform them his majesty is willing, without waiting for the other branches of the negotiation, to recommend to his parliament to enable him forthwith to acknowledge the independence of the thirteen united colonies absolutely and irrevocably, and not depending upon the event of any other part of the treaty." *

On the third of September, the day on which this dispatch was received, Oswald visited Franklin and took a letter from him to Jay, with whom he held an interview on that very evening. Jay, who was not familiar with the state of parties in England, nor aware how far he was imperilling the one safe moment for perfect success in the negotiation with England, nor keeping in mind that he was commissioned only to make peace, still refused to "proceed unless independence was previously so acknowledged as to be entirely distinct and unconnected with treaty." Oswald explained to him that, if he persisted in the demand, there could be nothing done until the meeting of parliament, and perhaps for some considerable time thereafter; but Jay would not accept the ample offer of all that the United States asked for, and so forfeited the consent of Britain to dispense with a stipulation by treaty in favor of the refugees and of British creditors for debts contracted before 1775. He was soon awakened to the danger in which delay was involving his country. De Grasse, as he passed through

* Townshend to Oswald, 1 September 1782.

London on parole, brought from Shelburne to Vergennes messages, which left Spain the chief obstacle in the way of peace. To conciliate that power, Jay was invited to Versailles, where, on the fourth of September, Rayneval, the chief assistant of Vergennes, sought to persuade him to resign for his country all pretensions to the eastern valley of the Mississippi, and with it the right to the navigation of that stream. Jay was inflexible. On the sixth, Rayneval, with perfect frankness, sent him a paper containing a long argument against the pretensions of America to touch the Mississippi or the great lakes; and on the next morning, after an interview with the Spanish ambassador, he set off for England to establish a good understanding with Shelburne.

Rayneval passed through London directly to Bow Wood Park, the country seat of Shelburne, in the west of England. "I trust what you say as much as if Mr. de Vergennes himself were speaking to me," were words with which he was made welcome. "Gibraltar," insinuated Rayneval, "is as dear to the king of Spain as his life." Shelburne answered: "Its cession is impossible: I dare not propose it to the British nation." "Spain wishes to become complete mistress of the Gulf of Mexico," continued Rayneval. On this point Shelburne opened the way for concession, saying: "It is not by way of Florida that we carry on our contraband trade, but by way of Jamaica." Shelburne declared his resolve to accept the independence of the United States, and without any reservation. "As to the fisheries," observed Rayneval, agreeing exactly with the instructions of Livingston of the seventh and the report of the committee of congress of the eighth of the preceding January,* "there is one sure principle to follow: the fishery on the high seas is *res nullius*, the property of no one; the fishery on the coast belongs of right to the proprietaries of the coasts, unless there have been derogations founded upon treaties. As to boundaries, the British minister will find in the negotiations of 1754, relative to the Ohio, the boundaries which England, then the sovereign of the thirteen United States, thought proper to assign them." To these insinuations Shelburne, true to his words to Franklin, made no response. Re-

* Diplomatic Correspondence, iii., 275, 276; Secret Journals of Congress, iii., 164.

jecting the mediation offered by Austria and Russia, Shelburne said: "To make peace, there is need of but three persons—myself, the Count de Vergennes, and you." "I shall be as pacific in negotiating as I shall be active for war, if war must be continued," he added on the fourteenth. Rayneval replied: "Count de Vergennes will, without ceasing, preach justice and moderation. It is his own code, and it is that of the king." On the fifteenth they both came up to London, where, on the sixteenth, Rayneval met Lord Grantham. Nothing could be more decided than Grantham's refusal to treat about Gibraltar. On the seventeenth, as Shelburne bade farewell to Rayneval, he observed, in the most serious tone and the most courteous manner: "I have been deeply touched by everything you have said to me about the character of the king of France, his principles of justice and moderation, his love of peace. I wish not only to re-establish peace between the two nations and the two sovereigns, but to bring them to a cordiality which will constitute their reciprocal happiness. Not only are they not natural enemies, as men have thought till now, but they have interests which ought to bring them nearer together. We have each lost consideration in our furious desire to do each other harm. Let us change principles that are so erroneous. Let us reunite, and we shall stop all revolutions in Europe." By revolutions he meant the further division of Poland, the encroachments on Turkey, and the attempt of the court of Vienna to bring Italy under its control by seizing the harbors of Dalmatia.

"There is another object," continued Shelburne, "which makes a part of my political views; and that is the destruction of monopoly in commerce. I regard that monopoly as odious, though the English nation, more than any other, is tainted with it. I flatter myself I shall be able to come to an understanding with your court upon this subject, as well as upon our political amalgamation. I have spoken to the king on all these points. I have reason to believe that, when we shall have made peace, the most frank cordiality will be established between the two princes." Rayneval answered: "Your principles on trade accord exactly with those of France; Count de Vergennes thinks that freedom is the soul of commerce;" and

he returned to Paris "in raptures" at his reception, and at "the candor, liberality, and frankness" of Lord Shelburne.

In America Jay had been the favorite of the French minister, and an enthusiast for the triple alliance between France, Spain, and the United States; had been moderate in his desire for territory; and, on fifteen divisions in congress, had given his vote against making the fisheries a condition of peace. In 1778 the influence of France had been used to elect him president of congress. His illusions as to Spain and France being dispelled, he passed from excessive confidence to the general suspiciousness which confuses the judgment. The English increased that mistrust by communicating to him a translation of an intercepted letter from Marbois, the young secretary of the French legation at Philadelphia, in which the claims of the United States to the fisheries were questioned.

Oswald, who held constant interviews with Jay, reported him as "leaning favorably to England." At the British commissioner's instance, and in part using words of John Adams, he gave in writing, as his only condition, that he and his colleagues should be styled "commissioners or persons vested with equal powers by and on the part of the thirteen United States of America." With that one change he pledged himself to accept the old commission, saying: "That immediately upon" its "coming over they would proceed in the treaty; would not be long about it; and perhaps would not be overhard in the conditions." *

Assuming to speak for the whole commission, and having no personal acquaintance with any one of the British ministry, Jay persuaded Benjamin Vaughan, an inferior and casual agent in the British pay who had the special confidence neither of Shelburne, nor of Franklin, nor of Oswald,† to ask Shelburne

* Oswald to Secretary Townshend, 10 September 1782, and Oswald to Shelburne, 11 September 1782.

† Lord Shelburne to R. Oswald, 3 September 1782. Extract: "His" [Mr. Vaughan's] "intention was to return in two days. He has staid at the earnest desire of Dr. Franklin. I have had several letters from him. They contain no return of confidence from Dr. Franklin whatever, nor any account how far his communication went, but anecdotes of the day, which I hope were picked up rather from the conversation of Dr. Franklin's family than his own, as they were more calculated to intimidate than to gain. I have never written to him." Os-

by letter to await his arrival before taking measures with Rayneval. The envoy of Jay was further to bear from him to Shelburne this verbal message: "It appears to be the obvious interest of Great Britain to cut the cords which tie us to France; by our consenting to the mutual free navigation of our several lakes and rivers, there would be an inland navigation from the Gulf of St. Lawrence to that of Mexico, by means of which the inhabitants west and north of the mountains might with more ease be supplied with foreign commodities than from ports on the Atlantic, and this immense and growing trade would be in a manner monopolized by Great Britain; therefore, the navigation of the Mississippi would in future be no less important to Great Britain than to us." In this unsolicited intercourse with the chief minister of Great Britain, without the consent or knowledge of his colleague, without authority from his government by commission, instructions, or letter, and without any equivalent, unless it were a new commission to Oswald, Jay offered to give away to Great Britain the equal right to the navigation of the Mississippi, coupling the offer with a highly colored promise of unbounded benefits to British commerce.

His messenger was further enjoined "to impress Lord Shelburne with the necessity and policy of taking a decided and manly part respecting America." *

Franklin, using no methods of persuasion but the influence

wald to Shelburne, 8 September 1782. Extract: "Only having mentioned one gentleman's name, the Doctor seemed to wish that it might not be supposed that his long stay here was owing to him, for, excepting the first two days, he had not said a word to him on business." Shelburne to R. Oswald (private), 31 December 1782. Extract: "I have received some letters from Mr. Vaughan relative to the American commissioners, which I cannot possibly understand. I believe you are already apprized that I have abstained most scrupulously from writing a single line to Paris to any person except to you and Mr. Fitzherbert. I suppose you therefore cannot be ignorant that Mr. Vaughan's stay at Paris is not owing to me. I will venture to tell you that it has been at the desire of Dr. Franklin. But as I find it has been and continues to be interpreted to be mine, I wish this apprehension removed. I conceive it will be best and quietest accomplished by his return." Shelburne to Oswald, 21 October 1782. Extract: "I am disposed to expect everything from Dr. Franklin's comprehensive understanding and character. And, as I know nothing to the contrary, I am open to every good impression you give us of Mr. Jay."

* Diplomatic Correspondence, viii., 165–168.

derived from the respect and confidence in which he was held by Shelburne and both the British secretaries of state, at this time interposed. Lord Grantham, the British secretary of state for the foreign department, had assured him by letter that "the establishment of an honorable and lasting peace was the system of the ministers." "I know it to be the sincere desire of the United States," replied Franklin on the eleventh; "and with such dispositions on both sides there is reason to hope that the good work in its progress will meet with little difficulty. A small one has occurred, with which Mr. Oswald will acquaint you. I flatter myself that means will be found on your part for removing it, and my best endeavors in removing subsequent ones (if any should arise) may be relied on;" but Franklin neither criminated France, nor compromised himself, nor his country, nor his colleague.

On the fourteenth Grantham and Townshend received the letters written them on the tenth and eleventh by Oswald and by Franklin. A meeting of the whole cabinet was called as soon as possible; Dunning, the great lawyer, gave the opinion that it was a matter of indifference whether the title chosen by the American commissioners should be accepted by Oswald under the king's delegated authority, or directly by the king. They then yielded to the representations of Franklin and Oswald.* A second commission was drafted for Oswald to conclude a peace or truce with commissioners of the thirteen United States of America, which were enumerated one by one, but the acknowledgment of their independence was still reserved to form the first article of the treaty of peace, and they were called "colonies or plantations" as before. The delay had given time to British creditors and to the refugees to muster their strength and embarrass the negotiation by their importunities. The king said: "I am so much agitated with a fear of sacrificing the interests of my country, by hurrying peace on too fast, that I am unable to add anything on that subject but the most frequent prayers to heaven to guide me

* Townshend to Oswald, 20 September 1782: "A meeting of the king's confidential servants was held as soon as possible to consider the contents of your packets, and it was at once agreed to make the alterations in the commission proposed to you by Mr. Jay."

so to act, that posterity may not lay the downfall of this once respectable empire to my door; and that, if ruin should attend the measures that may be adopted, I may not long survive them."

On the twenty-sixth of September, Aranda, in company with Lafayette, encountered Jay at Versailles. Aranda asked: "When shall we proceed to do business?" Jay replied: "When you communicate your powers to treat." "An exchange of commissions," said Aranda, "cannot be expected, for Spain has not acknowledged your independence." "We have declared our independence," said Jay; "and France, Holland, and Britain have acknowledged it." Lafayette came to his aid, and told the ambassador that it was not consistent with the dignity of France that an ally of hers like the United States should treat otherwise than as independent. Vergennes pressed upon Jay a settlement of claims with Spain. Jay answered: "We shall be content with no boundaries short of the Mississippi."

So soon as Oswald received his new commission the negotiation, after the loss of a month, moved forward rapidly. The system which Franklin at the opening of the negotiation had established of making a separate peace without admitting France to a knowledge of its progress was adhered to. Jay, who was a skilful lawyer, and was now resolved "never to set his name to a peace that did not secure the fisheries," drew up its articles. The thirteen United States with every part of their territories were acknowledged to be free, sovereign, and independent; their boundaries were determined according to the unanimous instructions of congress which had reserved the line between Nova Scotia and New England for adjustment by commissioners after the peace. The fishery in the American seas was to be freely exercised by the Americans of right wherever they exercised it while united with Great Britain. A clause provided for reciprocal freedom of commerce. Oswald proposed articles protecting the refugees and English creditors, but did not insist on them, "as Franklin declared that whatever confiscations had been made in America were in virtue of the laws of particular states, which congress had no authority to repeal." Thus far the articles were those which had been agreed upon between Franklin and Shelburne.

Jay, on his own authority, added the gratuitous concession to the British of the free navigation of the Mississippi.* "He pleaded in favor of the future commerce of England as if he had been of her council and wished to make some reparation for her loss," insisting that she should recover West Florida, "engross the whole of the supplies from Canada to the mouth of the Mississippi, and particularly should embrace the whole of the fur trade." †

On sending the draft of the treaty to the secretary of state, the British plenipotentiary wrote: "I look upon the treaty as now closed." Franklin and Jay agreed that, if it should be approved, they would sign it immediately. Toward the French minister they maintained an absolute reserve, not even communicating to him the new commission of Oswald. ‡

After the capture of Minorca by the Duke de Crillon, the French and Spanish fleets united under his command to reduce Gibraltar; and Count d'Artois, the brother of the king, passed

* Franklin, ix., 418. Franklin ignores the cession of the navigation of the Mississippi.

† Oswald to Secretary Townshend, 2 October 1782, and postscript of 3 October; same to same, 5 October 1782; same to same, 7 October 1782. "Mr. Jay came again upon the subject of W. Florida, and expects and insists that for the common good, our own as well as theirs, it may not be left in the hands of the Spaniards, and thinks we ought to prepare immediately for the expedition to execute it this winter." Extract from postscript of 3 October: "Before we parted, this gentleman [Mr. Jay] came again upon the subject of West Florida, and pleaded in favor of the future commerce of England, as if he had been of her council and wishing to make some reparation for her loss. Amongst other things he repeated that there is water-carriage by rivers or lakes all the way within land from Canada to the mouth of the Mississippi, excepting a few short stoppages of portage; so that for outward merchandise we might engross the whole of their supplies for a stretch of country between two and three thousand miles. And in like manner, chiefly by means of the Mississippi, receive their country commodities in return, and particularly should embrace the whole of the fur-trade. In all which I am satisfied he is well founded." Extract from dispatch of 7 October.

‡ On m'a assuré que les négociations sur le fond étaient entamées et que le plénipotentiaire anglais était assez coulant. Mais je suis dans l'impossibilité de rien vous dire de positif et de certain à cet égard, Messrs. Jay et Franklin se tenant dans la réserve la plus absolue à mon égard. Ils ne m'ont même pas encore remis copie du plein pouvoir de Mr. Oswald. Je pense, Monsieur, qu'il sera utile que vous disiez cette particularité à Mr. Livingston, afin qu'il puisse s'il le juge à propos ramener les deux plénipotentiaires américains à la teneur de leurs instructions. Vergennes to Luzerne, 14 October 1782. For the instructions, see above, 472, 473.

through Madrid to be present at its surrender. But by showers of red-hot shot, and by a most heroic sortie under General Elliot, the batteries which were thought to be fire-proof were blown up or consumed, and a fleet under Lord Howe was close at hand to replenish the stores of the fortress. The news increased the clamor of Paris for peace. France, it was said, is engaged in a useless war for thankless allies; she has suffered disgrace in the West Indies while undertaking to conquer Jamaica for Spain, and now shares in the defeat before Gibraltar. Vergennes, to obtain a release from his engagement to Spain, was ready to make great sacrifices on the part of his own country, and to require them of America. Congress was meanwhile instructing Franklin "to use his utmost endeavors to effect the loan of four millions of dollars through the generous exertions of the king of France;" and on the third of October it renewed its resolution to hearken to no propositions for peace except in confidence and in concert with its ally.

On the fourteenth of the same month Vergennes explained to the French envoy at Philadelphia the policy of France: "If we are so happy as to make peace, the king must then cease to subsidize the American army, which will be as useless as it has been habitually inactive. We are astonished at the demands which continue to be made upon us, while the Americans obstinately refuse the payment of taxes. It seems to us much more natural for them to raise upon themselves, rather than upon the subjects of the king, the funds which their defence exacts." "You know," continued Vergennes, "our system with regard to Canada. Everything which shall prevent the conquest of that country will agree essentially with our views. But this way of thinking ought to be an impenetrable secret for the Americans. Moreover, I do not see by what title the Americans can form pretensions to lands on Lake Ontario. Those lands belong to the savages or are a dependency of Canada. In either case, the United States have no right to them whatever. It has been pretty nearly demonstrated that to the south of the Ohio their limits are the mountains following the shed of the waters, and that everything to the north of the mountain range, especially the lakes, formerly made a part of Canada. These notions are for you alone; you will take care

not to appear to be informed about them, because we the less wish to intervene in the discussions between the Count de Aranda and Mr. Jay, as both parties claim countries to which neither of them has a right, and as it will be almost impossible to reconcile them."

When the first draft of the treaty with the United States reached England, the offer of Jay of the free navigation of the Mississippi was gladly accepted; but that for a reciprocity of navigation and commerce was put aside. The cabinet complained of Oswald for yielding everything, and appointed Henry Strachey, Townshend's clear-headed and earnest undersecretary of state, to be his assistant. On the twentieth of October, both of the secretaries of state being present, Shelburne gave Strachey three points specially in charge: no concession of a right to dry fish on Newfoundland; a recognition of the validity of debts to British subjects contracted by citizens of the United States before the war; but, above all, security for loyalists, and adequate indemnity for the confiscated property of the loyal refugees. The allegation of the American commissioners that they had no authority to restore the loyalists to their old possessions was objected to as a confession that, though they claimed to have full powers, they were not plenipotentiaries; that they were acting under thirteen separate sovereignties, which had no common head. Shelburne proposed either an extension of Nova Scotia to the Penobscot or the Kennebec or the Saco, so that a province might be formed for the reception of the loyalists; or that some part of the revenue from sales of the old crown lands within the United States might be set apart for their benefit. To the ministry it was clear that peace, if to be made by them at all, must be made before the meeting of parliament, which had been summoned for the twenty-fifth of November.

The American commission was, on the twenty-sixth of October, recruited by the arrival of John Adams, its chief. It had been the proudest moment of his life when he received from congress the commission of sole plenipotentiary for negotiating peace and commerce between the United States and Great Britain. The year in which he was deprived of it he has himself described as "the most anxious and mortifying

year of his whole life." He ascribed the change in part to the French government, in part to Franklin. In his better moments, even at that day, he did justice to France; toward Franklin he never relented. Both Franklin and John Adams had done great deeds which give them a place in the history of mankind. The one best understood his fellow-men and how to deal with them; the other the principles on which free constitutions should be formed. Both sons of Massachusetts, they were stars shining in the same constellation, and now in framing a treaty of peace with the British empire each of the two seemed living not a life of his own, but as if prophetically inspired with all the coming greatness of their country.

Adams came fresh from the grand achievement of prevailing on the United Provinces to acknowledge the independence of the United States, and to form with them a treaty of commerce; but his first step in the negotiation at Paris was a wrong one. Franklin had hitherto warded off the demand that the treaty of peace should guarantee to English merchants the right to collect debts that had been due to them in the United States, because the British armies had in many cases robbed the merchants of the very goods for which the debts were incurred; and had wantonly destroyed the property of the planters, which would have furnished the means of payment. Moreover, the British themselves had confiscated the debts as well as all other property of the patriots of South Carolina. The day after Strachey's arrival in Paris, Adams, encountering him and Oswald at the house of Jay, to their surprise and delight gave his assent to the proposed stipulation in behalf of British creditors. In the evening of the same day Adams called for the first time on Franklin, who at once put him on his guard as to the British demands relating to debts and the compensation of tories.

On the thirtieth the American commissioners met Oswald and Strachey, and for four several days they discussed the unsettled points of the treaty.

Massachusetts desired to extend to the St. John; unless that boundary could be obtained, congress unanimously agreed the question should be reserved for settlement by commissioners after the war. The British commission, aided by a veteran

clerk from the old board of trade, were just then striving to wrest from Maine at least the duke of York's old province of Sagadahoc. From habitual forethought Adams had brought with him documents which were decisive on the question. He knew exactly the boundary of his native state on the east and north-east; he listened to no suggestion of delay in its adoption; he asked no extension of the true boundary; he scorned to accept less. His colleagues gladly deferred to him. To gain the influence of France he sought an interview with Vergennes, and, by the papers and maps which he submitted, secured his adhesion. The line which Adams vindicated found its place in the treaty without further dispute or cavil.

The British commissioners denied to the Americans the right of drying fish on Newfoundland. This was, after a great deal of conversation, submitted to upon condition that the American fishermen should be allowed to dry their fish on any unsettled parts of the coast of Nova Scotia. Franklin said further: "I observe as to catching fish you mention only the banks of Newfoundland. Why not all other places, and among others the Gulf of St. Lawrence? Are you afraid there are not fish enough, or that we should catch too many, at the same time that you know that we shall bring the greatest part of the money we get for that fish to Great Britain to pay for your manufactures?" And this enlargement was imbodied in the new article on the fisheries.

On the fourth of November, Adams and Jay definitively overruled the well-grounded objections of Franklin to the recognition by treaty of the validity of debts contracted before the war; thus involving the country in grievous difficulties by inserting in the treaty a clause to which the United States as then constituted had no power to give effect. Strachey wrote to the secretary of state that Jay and Adams would in like manner assent to the indemnification of the refugees rather than break off the treaty. Franklin saw and averted the danger. In reply to a letter from Secretary Townshend, having in his mind the case of the refugees, he deprecated any instructions to the British negotiators that would involve an irreconcilable conflict with those of America. At the same time he persuaded Adams and Jay to join with him in letters to Oswald and to

Strachey, expressing in conciliatory language their unanimous sentiments that an amnesty more extensive than what had already been agreed to could not be granted to the refugees.*

Before Strachey reached London with the second set of articles for peace, the friends of Fox had forgotten their zeal for American independence. All parties unanimously demanded amnesty and indemnity for the loyalists. Within the cabinet, Camden and Grafton were restless, while Richmond and Keppell were preparing to renounce their places.† The king could not avoid mentioning "how sensibly he felt the dismemberment of America from the empire:" "I should be miserable indeed," he said, "if I did not feel that no blame on that account can be laid at my door; it may not in the end be an evil that its inhabitants will become aliens to this kingdom."

Townshend and William Pitt remained true to Shelburne; and a third set of articles was prepared, to which these three alone gave their approval in writing.

The Mississippi was accepted by the British as the American boundary on the west; but it remained to the last to settle the point where the United States would touch the northwestern boundary of Canada. In the first set of articles agreed on between the American commissioners and Oswald the line from the Connecticut at the forty-fifth parallel of north latitude was drawn due west on that parallel to the river St. Lawrence, thence to the south end of the lake Nipising, and thence straight to the source of the river Mississippi. This would have given the United States a part of upper Canada, and found no favor in England. In the articles taken to England by Strachey the line proceeded due west from the Connecticut on the forty-fifth parallel till it should strike the river Mississippi. At the last moment the question was determined in England by the British ministry, without any

* "If it depended on my vote, I would cut this knot at once. I would compensate the wretches," etc. J. Adams to Jonathan Jackson, 17 November 1782. Works, ix., 516. "Dr. Franklin is very stanch against the tories; more decided a great deal on this point than Mr. Jay or myself." Diary of John Adams, 26 November 1782. Works, iii., 332. Works of J. Adams, iii., 330. Works of Franklin, ix., 426–433.

† Almon's Debates, xxv., 180.

suggestions whatever from the United States. On French maps of 1755, published before the seven years' war, the Lake of the Woods was the limit of Canada on the north-west; the north-westernmost point of that lake was chosen as the north-westernmost point of the United States, and was reached by a line continued through the centre of the water-course of the great lakes to the north. By the article on the fishery, as proposed by the British, the Americans were not to take fish within three leagues of any British coast, and by an arbitrary restriction, copied from former treaties with France, they were not to take fish within fifteen leagues of Cape Breton. Not only indemnity for the estates of the refugees, but for the proprietary rights and properties of the Penns and the heirs of Lord Baltimore, was demanded. "If they insist in the plea of the want of power to treat of these subjects," said Townshend, "you will intimate to them in a proper manner that they are driving us to a necessity of applying directly to those who are allowed to have the power."

"If the American commissioners think that they will gain by the whole coming before parliament, I do not imagine that the refugees will have any objections," added Shelburne. Fitzherbert was instructed to take part in the American negotiations; and, with his approval and that of Strachey, Oswald was empowered to sign a treaty. Authority was given to Fitzherbert to invoke the influence of France to bend the Americans. Vergennes had especially pleaded with them strongly in favor of the refugees. Parliament was prorogued to the fifth of December, in the hope the terms of the treaty might be settled before that day.

On the same day on which the final instructions to Oswald were written Vergennes declared in a letter to Luzerne: "There exists in our treaties no condition which obliges the king to prolong the war in order to sustain the ambitious pretensions which the United States may form in reference to the fishery or the extent of their boundaries."* France would

* "Elle a donné occasion à la plupart des délégués de s'expliquer d'une manière décente et convenable sur leur fidélité à l'alliance et sur leur attachement à en remplir toutes les conditions. Le Roi ne sera pas moins exact à les tenir de son côté, mais il n'en existe aucune dans nos traités qui l'oblige à prolonger la guerre

not prolong the war to secure to the Americans their extension to the Mississippi or the fisheries; the Americans were still less bound to continue the war to obtain Gibraltar for Spain.

Early in the morning of the twenty-fifth the king was urging Shelburne to confide to Vergennes his "ideas concerning America," saying, "France must wish to assist us in keeping the Americans from a concurrent fishery, which the looseness of the article with that people as now drawn up gives but too much room to apprehend." Before Shelburne could have received the admonition, Adams, Franklin, and Jay met Oswald and Strachey at Oswald's lodgings. Strachey opened the parley by an elaborate speech, in which he explained his objections to the article on the fisheries, and that "the restitution of the property of the loyalists was the grand point upon which a final settlement depended. If the treaty should break off, the whole business must go loose and take its chance in parliament." Jay wished to know if Oswald could now conclude the treaty; and Strachey answered that he could, absolutely. Jay desired to know if the propositions he had brought were an ultimatum. Strachey seemed loath to answer, but at last said "no." That day, and the three following ones, the discussion was continued.

On the twenty-ninth, Oswald, Fitzherbert, and Strachey on the one side, and Adams, Franklin, Jay, and, for the first time, Laurens on the other, came together at the apartments of Jay. "The articles of the boundaries remained exactly the same as in the draft sent over from England." * The American commissioners agreed that there should be no future prosecutions of loyalists or confiscations of their property; that all pending prosecutions should be discontinued; and that congress should recommend to the several states and their legislatures, on behalf of the refugees, amnesty and the restitution of their confiscated property. Strachey thought this article better than any of the modifications proposed in England, and congratulated himself on his success.

pour soutenir les prétentions ambitieuses que les États-Unis peuvent former, soit par rapport à la pêche, soit par rapport à l'étendue des limites." Vergennes to Luzerne, 23 November 1782.

* Fitzherbert to Grantham, 29 November 1782.

Against the British draft of the article on the fisheries John Adams, with the steady and efficient support of Franklin and of Jay, spoke with the more effect, as it introduced an arbitrary restriction; and he declared he would not set his hand to the treaty unless the limitations were stricken out. After long altercations the article was reduced to the form in which it appears in the treaty, granting to the United States equal rights with British fishermen to take fish on the coast of Newfoundland, and on the coasts, bays, and creeks of all other British dominions in America.

The influence of Oswald was strongly exerted in favor of signing the treaty immediately. He could do it only with the consent of Fitzherbert and Strachey; and they gave the opinion that it would be necessary to consult the government at home. "We can wait," answered Adams, "till a courier goes to London." The reference would have carried the whole matter into parliament, and so would have been fatal to the negotiation. Franklin saw the danger, and interposed: "If any further delay should be made, the clause insuring to the subjects of Great Britain the right of recovering their debts in the United States must also be reconsidered." But on this article Strachey prided himself as his great achievement; and, rather than expose it to risk, he joined with Oswald. Fitzherbert, now left alone, reflected that peace with the United States would be the best means of forcing France and Spain to declare their ultimatum; and he, too, gave his consent.

Thus far, no word in the convention had directly alluded to the existence of slavery in the United States. On the thirtieth, at the demand of Laurens, in the engrossed copies of the convention a clause was interlined prohibiting, on the British evacuation, the "carrying away any negroes or other property of the inhabitants." So the instrument, which already contained a confession that the United States were not formed into one nation, made known that in their confederacy man could be held as a chattel; but, as interpreted alike in America and England, it included free negroes among their citizens. By a separate article, a line of north boundary between West Florida and the United States was concerted, in case Great Britain at the conclusion of the war should be in

possession of that province. Out of respect to the alliance between the United States and France, the treaty was not to be made definitive until terms of peace should have been agreed upon between Great Britain and France; with this reservation the treaty of peace between the United States of America and Great Britain was signed and sealed by the commissioners of both countries. To prevent future dispute, the boundaries of the new nation were marked interchangeably by a strong line on copies of the map of America by Mitchell.

The treaty which ruled the fate of a hemisphere was largely due to Lord Shelburne and his early and never-failing confidence in "the comprehensive understanding and character of Franklin." Friends of Franklin gathered around him; and as the Duke de la Rochefoucauld kissed him for joy, "My friend," said Franklin, "could I have hoped at such an age to have enjoyed so great happiness?" The treaty in its main features was not a compromise, nor a compact imposed by force, but a free and perfect and perpetual settlement. By doing justice to her former colonies, England rescued her liberties at home and opened the way for their slow but certain development. The selfish policy of taxing colonies by parliament which had led to the cruel and unnatural war with America was cast aside and forever; Great Britain, henceforward as the great colonizing power, was to sow all the oceans with the seed of republics. For the United States, the war, which began by an encounter with a few husbandmen embattled on Lexington green, ended with independence, and the possession of the continent from the St. Croix to the southwestern Mississippi, from the Lake of the Woods to the St. Mary's. In time past, republics had been confined to cities and their dependencies, or to small cantons; the United States of America avowed themselves able to fill a continental territory with commonwealths. They possessed beyond any other portion of the world the great ideas of their age, and every individual was at liberty to apply them in thought and action. They could shape their institutions by the exercise of the right inherent in humanity to free deliberation, choice, and assent. Yet while the constitutions of their separate members, resting on the principle of self-direction, were, in most

respects, the best in the world, they had no general government; and, as they went forth upon untried paths, the statesmen of Europe looked to see the confederacy fly into fragments, or lapse into anarchy. But, notwithstanding the want of a government for the collective inhabitants of the thirteen states, their mutual inter-citizenship, their unrestricted free trade among themselves, and their covenant of perpetual union, made them one people, to whom the consciousness of creative power gave the sure promise of a more perfect constitution.

END OF VOLUME V

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